# THE ADDICIONS OF SALEM AND BYZANCE.

LONDINI IN AEDIBVS THOMAE BERTHELETI REGII IMPRESSORIS. ANNO DO. M.D.XXXIIII.

Cum priuilegio.

BISAN. I haue many tymes sith the makyng of our fyrst dialoge, which is called Salem & Byzãce, remebred the Articles of the treatise, ỹ is called the tretise, concernyng the Diuision betwixt the spiritualtie & the tẽporaltie, whiche was the verye occasion of makynge of our sayd fyrst dialoge: And I thynke verily, that yf the abusions that be recited in the sayde treatyse and other lyke, were reformed, great peace and quietnes wold shortly folowe amonge the people. And therfore if thou woldest my frende Salem, to encorage them that haue good zeale towarde a reformation of suche abusions, take the peyne to recyte some mo thynges, that be mysused, and ouer that woldest deuise some meanes howe they myght also be reformed: I thynke it wolde do greatte good. SALEM. I shall my frende Byzance with good wyll do that in me is to accomplysshe thy desyre.

Of

## ¶ Of dyuers abuſyons concernynge ſome of the ſeuen ſacramentes, and dyuers other thynges, as here after foloweth. The fyrſte Chapytre.

SAL. Many curates haue taken vppon them to ſaye, that they be not bounde to miniſter the ſacramentes to the people, onles they be required, and that ſpecialiye the ſacrament of extreme vnction, whiche commonly is called anoyllynge. And yet the truthe is, that they are bounde to gyue a great diligence therto them ſelf, and ſpecially to admonyſhe theym that be aboute the ſycke perſone, that they may haue knowledge when nede ſhall require. And therfore if any dye without that ſacrament for lacke of ſuche good diligence of the curate, ſurely it is in hym a great offence.

2. ¶ Alſo it hath ben a great default in many places, that the curates wyll not

synge masse nor dirige for none of their parysshens at theyr buryals, no more than they wyll do for straungers that dyed within the parysshe, excepte they haue money for theyr labour, for sythe they haue of theyr parysshens theyr tythes, offrynges, and dyuers other profytes and commodities, as curates customably haue: Charitie wolde that they shulde burye them especially that be householders, and theyr chylderne with dirige and masse freely, without takynge any thynge for it: but to saye masse and dirige for straungers they be not bounde therto, but of their charite. But yet to bury all them frely that dye within the parysshe they are bounde of duetie to do it.

¶ Also it is greatte trouble and vexation to the people in many places, that the sacrament of confirmation is taken fro the propre curates, and is gyuen only to byshoppes. For therby the people in some places be many tymes put to greatte labours and expences in gy-

uynge

uynge attendaunce to the byſſhoppes. And alſo many chylderne be therby in ſome countreyes longe vnconfyrmed, and ſometyme dye without it: where if the curates myght confyrme theym, as they myght fyrſte, they ſhulde be confyrmed with leſſe labour, and be in moche more greater ſuertie to haue the ſacrament then they be nowe. And ſythe byſſhoppes haue taken that auctoritie to them ſelfe, and no greatter conſideration apperynge why they ſhulde do ſo then there dothe: It myght happely cauſe ſome ſymple men to eſteme, that there is not ſuche neceſſitie in that ſacrament as there is in dede. For they may happely thinke, that if there were, the byſſhops wolde not put the chyldren in ſuche ieoperdie to be ſo longe without it, as they be ofte by that occaſion, and no greatter cauſe to moue them to it then they thynke there is.

¶ The prohybitinge alſo of byſſhops to graunt pardons hath letted greatly the deuocyon to pardons, and the ta-

kynge of money for herynge of confes-
sions, and specially at pardons, hathe
also done right great hurt. For there is
a sayeng, the mo confessions, the great
ter profyt. Wherby it is ment, that the
profyte in heryng confessions is moche
regarded. And that hath made many
tymes ryght short confessions, and also
as light & as hasty absolutions, which
perauenture hath made some vnware
and vnlerned persons to haue the lesse
regarde to be confessed.

5. ¶ And why shuld the power of abso-
lution that was gyuen by Christe to all
prestes: be generally taken from them
in any case, and specially from curates
that be admytted to be sufficiēt to haue
cure of soules, and be cōmytted only to
byshops or to theyr deputies, which de-
puties percase be not many tymes so
sufficient as the curates be, fro whome
it is takē: so that it semeth ẏ the power
of pristes is restrayned in that behalfe
by the lawe of man without cause reso
nable, and wolde therfore be reformed.

Also

6. ¶ Alſo it wolde be playnly declared, where the curate may prohibite his pariſhens to be houſeled & where not. And ſurely it ſemeth not to ſtand with charitie, ỹ if a paryſhener at the tyme of his houſelyng lacke money to pay his duetie, that he ſhuld be therfore prohibit of houſelynge. And ſure it is, that great grudges haue enſued in tymes paſt vpon ſuche matters. A prieſte (if he wyl) may go to maſſe, though he be in deedly ſynne, and no manne can prohibite hym: but if the curate onely by coniecture thynke his paryſſhener in deedly ſynne, he wyll prohibite him.

7. ¶ Alſo curious buildynges of ſpirituall men, and the apparel therof, whiche ſometyme be apparelled with vaine ſtories, stereth more theym that beholdeth it to vanitie and to a worldly loue, then to any mekenes or deuotion. And though it be right conuenient, that byſhops and other ſpirituall rulers haue conuenient dwellyng places after their degree, yet all wolde be ordered to the

honour of god, and to the good exam-
ple of the people.

Also it diminysheth the deuocion of
prieſtes greattely in many places, that
there haue ben ſo many chapplens and
ſeruynge prieſtes. For they that be vni-
uerſally conuerſant amonge laye peo-
ple, and be bounde to obſerue worldely
attendaunce as lay men are, can neuer
haue their minde ſo perfitly to prayer &
deuotion, as they that be curates, or be
continually reſident in churches. For
lyke as there is a mery prouerbe in pla
ces of courte, that the bery walles tea-
che the lawe, and that euerye buſſhe in
the countrey teareth away a pece: ſo it
maye be ſaide, that the very walles of
the churche teache deuotion, and that
worldly company driueth it awaye a-
geyne. And whenne they be in youthe
brought vp in ſuche worldly company,
it wyll be harde for them in age to ſette
their mynde to prayer and contempla-
tion. And ſurely if lay menne wolde be
contented for preſeruynge of deuotion

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in prieſtes to forbeare the ſeruyce and familyaritee of theym more then they haue done in tyme paſt, and wolde here maſſe and diuine ſeruice, whenne they myghte conueniently at their paryſshe churches, at the leſte on holydays, and when they may here none, wold ſupply it with prayer or ſome other good werkes, they ſhulde more pleaſe almyghty god therby, and more ſhewe them ſelfe to honour the ſacrament then they doo nowe, whan they here maſſes of theyr chappleyns at home.

¶ Alſo it hath bene a great ouerſighte (as it ſemeth) in the clergie, that they haue made ſo ſtrayte lawes of irregularite as they haue done. For it is hard for any prieſte to eſchewe them all. And therbppon it folowеth that whan they falle into ſuche irregularitie, and can not by and by be diſpenſed with (for there is none at hande that hathe that power) then neuer the leſſe bicauſe they ſhuld not be noted, they yet ſyng maſſe as they dyd before. And that bryngeth

some pretestes into suche a largenes of conscience, that they be the bolder to do lykewyse in other thynges: and so by contynuall custome therin can lerne to lyue quietly in an euyll conscience.
Wherfore it were better, that irregularitie in some poyntes were clerely put away, than to driue them in euery light poynt to seke for dispensations. For many men thynke, that such dispensations not only in that case, but in many other also, serue rather for gettynge of money than for increasynge of vertue.
10. And there is such a lyke thyng in religion. For they profesſe the olde rules, whiche although there be also some dispensations very strayte to be kepte in these dayes, bycause the people be not vniuersally so stronge now as they were at the makynge of the sayde rules. And when they see the reules dayly broken afore theym, as well in other as in them selfe without correction, it bryngeth in to theym a quiete harte in an euyll conscience, a boldenes to of-

fende,

fende, and fynally a cuſtome in ſynne: wherby folowe many euyll examples to the people: and yet they that doo it, wyl be called holy and perfite. And ſure it is, that it were better to haue an eaſy rule well kept, than an harde rule broken without correction.

11. ¶ Alſo it is a thyng greatly abuſed, that clerkes do clayme to haue as high power, and as moche lybertie in theyr poſſeſſions & goodes, as lay men haue in theirs. For the truth is, that they may take of the goodes that they haue for their miniſtration, but onely a reaſonable ſuſtentation for theym ſelfe, and for a conuenient ſuſtenaunce for their houſeholde, and the reſydue they are bounde to diſtribute amonge the poore. And in this poynte the lawe of the realme is ouermoche fauourable to ſpirituall men. For it ſuffreth them to make theyr wylles and bequeſtes of theyr goodes, how ſo euer they come to them by tythes, oblacyons, or otherwyſe, as lyberally as any laye manne maye.

And

And thoughe that be agaynste the ca-
nons, yet the clergie of this realme, per
ceyuynge howe fauourable the lawe of
the realme is to theym in that poynte,
hath made a constitution prouinciall,
accordynge to the lawes of the realme,
that no man shall hynder or let the pro-
bation of the same. And surely both the
sayd lawes wold be reformed. For they
haue ben a right special cause, as I sup
pose, that hath made so many to gruge
at the goodes & possessions of the cler-
gie as there hath done.

¶ Also many prestes fynde defaulte
that some prestes be in extreme necessi-
tie, and haue nothynge to releue them
selfe with, whiche is not as they thynke
conuenient to be suffered in prestis: but
they regarde but lyttell the pouertie of
some lay manne. Our lorde was pore
hym selfe: and his disciples, to whome
prestes be successours, were poore also,
and yet somme prestes wene, that it is
not conuenient for any of them to be in
pouertie. I beseche our lorde sende vs

many

many that be ryche in vertue and poze in ſpirite, and then the woꝛldly pouerte ſhalbe the moze eſely boꝛne. I haue red of ſome byſhops, that haue made ſuche puiſion, ẏ no pꝛeſt ſhuld go abeggyng within his dioces, but I haue not red of any ſuch pꝛouiſion foꝛ lay men. But if ſome pꝛouiſion were made to releue ẏ great multitude of pooze men that be nowe in extreme neceſſite, I trow fewe thinges were moze neceſſary to be gone about. And ouer that if any pꝛeſte be in ſuche extreme pouertie as they ſpeake of, it is moſte ſpecially thꝛough the defaute of ſpirituall men, foꝛ they haue diuiſed titles foꝛ pꝛieſtes in ſuche maner, that they be of none effecte in the lawes of the realme: And the cauſe ther of is, foꝛ they aſke not counſaylle therin of them that be lerned in the ſayd lawes, ne as it ſemeth wyll not obeye the kynges lawe in that behalfe, but make them titles after the groundes of other lawes. And therfoꝛe pꝛieſtes many tymes were as good to be without theyꝛ

titles

titles as to haue theym in suche maner as they haue nowe.

13. ¶ Also if the moste honest and most substanciall curates and prieστes in the countrey were examined, what increace of vertue hath rysen by visitations and scenes, as they haue bene of late vsed: It wolde appere vppon that examination, that lyttell or none hath folowed therby, but that the clergye & some lay men also appere there, and pay certain dueties, and then do after as they dyd before. And that the moste lightest persons in all the precincte of the visitation, by meanes of rewardes, shalbe suffred to cõtinu as they were wont to do. And syth the hole clergie haue submytted theym to the kynges grace. It semeth that he hathe good auctoritie to exampyne, howe suche visitacyons be vsed, and to sette theym in suche order, that vertue therby maye hereafter be increased, and vice repelled and putte awaye. And I suppose verayly, that his grace is bounde in conscience

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to loke ſpecially vppon it.

14. ¶ Moze ouer euen now of late ſyth the ſtatute made in the. xxi. yere of the reygne of oure ſoueraygne lozde the kyng that nowe is, ageynſt pluralities and none reſidẽces, is riſen this policy, that a pzieſt that intendeth not to be reſident, oz that intendeth to haue mo benefyces than the pzouiſyon of the ſtatute waranteth hym to haue: wyll labour to ſome lozde ſpirituall oz temporall to be his chappleyne, nothyng purpoſynge to do hym ſeruice, and the lozd lyke wiſe nothynge deſyrynge his ſeruice: and knowyng alſo the entent why he dothe it, wyll accept hym to his chaplen, and ſo wylfully defraude the ſtatute: Is this troweſt thou my frende Byzance no offence in the lozde and in the chappleyne?

¶ BIZAVNCE. I thynke verily yes, and that the offence is greatter in the chappleyne thenne in the lozde, yf there be no cauſe reaſonable why he dothe hit. And thoughe hit be moze offence

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in the chappleyne, yet is hit no lyttelle offence in the lorde, that so wylfullye breaketh the intent and prouision of so good a statute. For the prouiso of the statute was made, bicause it was thought reasonable, that lordes spirituall and temporall shulde haue chappleynes to do them seruice: but here no seruice is regarded. And surely by suche meanes and other lyke, some priestes haue many benefyces, where an other good honest priest, that is better worthy to haue a cure then he, hath neuer one.

¶ Also thoughe the people be more prone and be soner moued to go on pylgremages, to bye belles, or vestementes, or to gyue money for trentals, makynge of chauntries, keppynge of obites, mayntaynynge processions and suche other outward dedes, wherby some worldely recreation or worldely laude and prayse, or som good familiar chere and worldly thanke maye folowe, then they be to releue poore folkes that haue nede, wherby moste commonly neyther

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worldly prayse ne other worldly cõmoditie followeth, specially if it be secretly hyd in the bosome of the poore man, as it oughte to be: yet do not prechers encourage the people to releue their poore neyghbours that haue nede, as they ought to do: but suffre them to lye styll in suche outward dedes, as though all were wel, when it is ryght farre amys. The nature of man is moche inclyned to be lauded and praysed, and therfore the people wolde be continually instructed, that such laude diminisheth gretly the rewarde that they shulde haue of god for theyr good dedes. And they shoulde be instructed also, that what good dede so euer they do, they oughte to trust more in the grace and goodnes of god then in the dede, howe great so euer it be. Howe be it in whose default it is, that it hath not ben so in late tyme paste, I wyll not speke of at this time, but commytte it to other: but through whose default so euer it hath bene, yf it coulde yet be reformed and broughte

into due course, it were right expedient, and nothynge more then it were. I red ones a narration, that there was a poore sycke man that lay bedred, and had nothynge to succour hym selfe with all, wherupon a neyghbour of his seynge his extreme necessitie, moued with pitie, appoynted one of his seruantes to see hym haue meate and drynke at certayne houres, as nede required, wherby the poore man was greatly releued a longe season. So it hapned that on a tyme the seruaunt that was wonte to bryng hym meate, had busynes, so that he myght not come at the houre accustomed: wherfore the poore man was very angry bothe with the mayster and with the seruant, sayenge, they had no pitie on theyr poore neyghboure, and that if they were in like case as he was, they wold be lothe to be so serued them selfe, and prayed our lorde, that or that they dyed, they myghte feele the peyne that he felte. with those wordes the seruaunt came with meate. And yet the pas-

sion

ſion of the man was ſo greatte, that he coulde not forbeare, but that he ſpake lyke wordes to the ſeruaunt. Then the ſeruant was angrye and ſayde, that he ſawe well, that his maiſter and he both had loſte al their coſte and labour, and ſo not contented with the poore man departed, and tolde his mayſter all the matter, and that he thought it were wel done, that he ſhoulde lette hym alone, tyll he coulde mekely yelde hym thankes for his good dede. The maſter anſwered and ſayd: I do not that I doo for any thanke that I loke for of hym that I gyue it to, and ſythe he gyueth vs no thankes for it, our rewarde ſhall be the more of god. And ſo he cauſed his ſeruaunt to doo as he hadde done before.

¶ But yet though this manne toke it thus charitably, it is verye lyke that moſte other men wolde in ſuche caſe haue withdrawen their good dede. And ſurely ſuche chances wyll fall among, if men ſhulde ſet their myndes moche

to releue poore men. As if a man lent money to a poore man at his nede, and at the daye he aſketh his money, hit myght happe that yf he aſked it twyſe, that ſome poore man wolde ſaye, that he was very haſty in the aſkynge, hauynge no nede to it, with ſuche other vnſittyng wordes. And wolde not this happely diſcourage ſome man to lende money to other poore men in their neceſſitie? I trowe yes, and yet it ſhulde not be ſoo. Therfore ſuche demeanour wold be moche reproued in poore men. And the ryche men wolde be alſo counſayled not to withdrawe their good dedes after their power for ſuche demeanour, whiche in dede increaſeth theyr rewarde greattely before god. And yf preachers dyd encourage the people to ſuffre ſuche thynges al that they coude, and yet ſome men wolde be the more ſlacke to helpe other poore men for ſuche demeanour: howe wyll it be then thynkeſt thou, if men be nothynge encouraged nor putte in mynde of ſuche

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ſufferaunce, but be comforted as welle by ſecrete counſell in confeſſion as by preachynge to gyue money for ſowles inpurgatorie, or in ſuche other maner as before apperethe, as thoughe that ſhulde ſuffyſe vnto them: wyl not then the Charitie to theyr neyghbours be lyghtly forgotten, though it be vndoutedly the beſte: It is no doubte but it wyll. And well I wote, that in the time of that, that is nowe called the olde catholycal preachyng, the Charite to our neyghbours is nigh forgoten, & the abuſions concernyng pdons, pilgrimages, purgatorie, pompous buryals, tythes, offerynges, and ſuche other, haue be meruayloufly multiplyed and increaſed, and yet I haue harde but of very fewe in comparifon, that haue loked to the reformation of it, our lorde amende it, when his wyll ſhall be. Amen.

16. ¶ Alſo many prechers in tyme paſt haue tourned a great parte of the tale to the mayntenaunce of the lybertie of the church, to the honour of preeſthod,

to feare the cenſures of the churche, though they be gyuen withoute cauſe, and to obey al lawes made by the churche, and to doo as prieſtes doo teache, and not as they doo, ſuffyſeth to laye menne: and ſuche other lyke, that the people haue myſlyked greately. And whan religious men haue preched, they haue moche perſwaded ſuche thynges, as haue ben for their ſyngular profite and commoditie, ſo moche that it hathe rather diminiſſhed the deuotion of the people then increaſed it. And therfore I am farre deceyued, but that the moſt parte of all the defautes and diſcordes that be nowe in the temporaltie, haue ryſen through the defaut of the ſpirituaItie. But yet I meane not that al ſuch diſcordes be ryſen by the defaute of ſpirituall menne, that be nowe lyuynge. For vndoubtedly they were begonne before theyr tyme by theyr predeceſſours: but yet my meanynge is, that the ſpirituall menne that nowe be, are bounde before any other to helpe to re-

fourme ſuche thynges al that they can: And I truſte that there be many diſpoſed ſo to do, if they had helpe.

17. ¶ Alſo it is a greatte ouerſyghte, that prieſtes accompte a defaute in one prieſte to ſownde to the rebuke of an other prieſte, bycauſe they be all of one order. And that yet they go not about to reforme them that ſo offende. And ſo it is lykewiſe of religious menne: and they gruge more in their hartis ageinſt hym that maketh an euyl repoꝛt of one, that is of the ſame degree that they be of, though it be trewe, than they do agaynſte theym that make an euyll repoꝛt of an other, that is not of the ſame degree that they be of, though it be vntrue. And ſurely that is a great defaut, and many great inconueniences folow vpon it, that I wyll not ſpeke of now. And there is no reaſon why they ought ſo to take it, ſyth the defaut of one prieſt is no more repꝛofe to an nother, thenne the defaulte of one lay manne oꝛ laye womanne is to an nother.

BYZANCE. It is trewe in dede as thou sayste, but yet the thyng that most myslyketh priestes and religiouse men in suche reportes, is that they take it to be spoken to the reproche of all priestes or religious, and so some wyll saye in dede, that it is a shame to al priestis.
SALEM. If any man say so, he is far ouersene. And priestes that be the lanternes and lyght of the worlde, ought moste specially before any other to take pacience at suche thynges, and rather to desyre, that the prieste that is reported of, might come to reformation, then to take the matter as though it pertayned to them selfe. And veryly the truth is, that a defaulte in a laye man or woman soundeth mooste commonly more to the reprofe of priestes, than doth the defaute of one preste to an other: onles he be a speciall occasyon therof hym selfe. For priestes are more bounde to lay men then commonly one prieste is to an other. For they haue their lyuing of lay men, and are therby more speci-
ally

ally bounde by a dewe ozder of charitie to pzocure their helth of body and ſoule befoze other that they haue no ſuch pzo fyt of. B Y Z. yea but the lyuyng that a pzieſt hath is moſt cõmonly but of ſome particular laye men, that are but fewe in nombze as in comparíſon. And when he hath done his duetie to them agayn to pzay foz them, & doth foz them as his dutie requireth, then is he neuer a whit bounden to other lay men that he hath no pzofite by, but is then boũden moze to an other pzieſte, that is of the ſame ozder that he is of, and that is alſo in a moze perfyte way of lyuynge than lay men be, then he is to other lay menne. And oughte therfoze to myſlyke moze an euyll repozte of a pzieſte, then of a lay man, and ſo ought laye men to doo lyke wiſe, if they wolde folowe the due ozdre of charitie. S A. As to that reſon a ſeculer pzeſt were moze bounden to be diſcontented with an euyll repozte of a monke oz a frere then of a ſeculer pzeſt, foz they be pzieſtis as he is; and are in

a more perfyte estate then he: and yet the common experience proueth, that they are not so, but rather be oft tymes ryght well contented, to here an euylle report of religious men, and they lyke wyse of them, and therfore the truth is, that the affection that one prieste hath to an other in suche case, is of a proude syngular loue that he hath to hym self: rather then of a charitable loue to other prieستes. And here it may be considered, howe far we be fro the charitie of saynt Paule, when he sayd, ad Gal. iii. There is no iewe, there is no greke, there is no bondmã, there is none fre, there is no male, there is no female; as who sayth, the charitable man settith no difference betwyxte countrey and countrey, betwyxte state and state, ne betwyxte kynde of male or female. For as it followeth in the sayde texte, we all be one in Chriſte, that is to saye, we chriſten men ought to loue eche other in Chriſt, of what degree or condycion so euer we be. And surely laye menne do thus

to

to ſpirituall menne, and many tymes loue a prieſte, a monke, or a frier better then a lay man: but they wyll not commonly do ſo agayne, onleſſe ſome profytte or commoditie comme to them therby, our lorde amende it, whanne it pleaſeth hym. Amen. BIZ. I pray the procede nowe to ſome other matter.

18. CSALEM. It is alſo a great defaut in many ſpirituall men, that they haue made pretence, that the tenth part belongethe to prieſtes by the lawe of god, for by that pretence all cuſtomes preſcriptions of none payment of any thyng that is tythable, though the curate haue ſufficient beſyde, are clerely diſalowed in ſpirituall courtes, and yet though ſomme queſtion be nowe lately riſen, whether the tenth parte be due by the lawe of god or not, no man indeuoureth hym ſelfe to ſette the matter in a clerenes, but ſuffreth it and dyuers other thynges alſo to reſt ſtyll in doute as they haue done in tymes paſt. Therfore the ſtatute of. xlv. E. iii. commonly

called

called the ſtatute of Silua cedua, whiche is taken by many ſpirituall men to be ageynſt the lawe of god: wolde be ſene, and if it be ageynſte the lawe of god, then it wold be broken, and if it be not, then it wolde be confyrmed, and ferther be prohibite that none vppon a peyne ſhal ſay ſo herafter. For if it be ſuffred to ſtande ſtyll as it doth nowe, vndontedly great variaunce and expences wyll folowe therupon hereafter. And ſpirituall men are ſpecially bounde to doo that in them is to put ſuch thynges out of argument, and to ſet ſuche matters in ſuche a cleretie, that it ſhall appere, that they wolde not take one peny of the people for their ſpirituall miniſtration more then they oughte to doo of ryghte. And that they ſeke rather the helth of their ſoules, then any lucre of their goodes.

19. Alſo it is a right great ouerſight that in matters concernynge temporall thinges, and wherof the ſpiritual court may yet after the cuſtome nowe vſed in

this

this realme holde plee, that they wyll iudge therin after the lawe ciuile or canon, and not after the lawe of the realme as they are bounde to do, and that vpon no leſſe peyne then vpon the peyn of reſtitution, and yet they do not thus vpon the preſcription of tythes, but folowe a ſpeciall preſcription deuiſed by them ſelf, which in this realme byndeth not ne gyueth no ryghte. And in lyke wyſe it is if a man by his wyll bequeth to one an other mans horſe, this bequeſt after the lawes of the realme is vtterly voyde, for no manne after the lawes of the realme, maye lawfully gyue or bequeth that is not his, and yet in the ſpirituall court, they iuge the bequeſte to be good after this maner: that he to whom the bequeſte is made ſhall haue the value of the horſe, and ſurely therby they bynde them ſelfe to reſtitution, and ſo it is of the age of infantes and many other thynges, wherin the lawes do vary, wherof I wyl no farther ſpeke at this tyme.

Alſo

20. ¶ Also it is a greatte ouerſyghte, that ſuch thynges as at the begynning of the churche were refuſed by many ſpirituall men, bycauſe they thoughte they wolde lette and diminiſhe their deuotions towarde god and goſtely thinges, be nowe ſo vniuerſally accepted and vſed by them that be of the ſame order and degree that they were, that refuſed them, but the particular hurtes and offences of conſciences that haue folowed vpon that doinge, I wyll not touche at this tyme.

21. ¶ Also it is a great ouerſight in many religious men, that they wylle pretende, that the wey of their religion is the ſureſt way to ſaluation, and ſurely it wolde be prohibited, that no man vpon great peyne ſhulde hereafter preſume to ſay ſo. 22. ¶ Also this poynte hath done great hurte, that men wyll ſo lyghtly repoꝛte as they do, that there be many heritikes, yea and they that be of that appetite to haue it ſo noiſed, vſe this polici to ſay that heritikes wil firſt

cauſe

cause smal herisies to be sprõgẽ abrode, to the intent they maye after brynge in greatter, and by tho wordis (gretter heresies) they meane that some men be of opiniõ, that feith suffisith without good werkes, and that they wolde haue all thinges in cõmon, whiche if they coude bring about, it were in dede as they say a plain distruction of the cõmon welth, & they wyll affirme stiffely, that if they be suffred to continue, they wyll in conclusion bring it about. And how perillous a speakynge that is, it is euident, for there can no man tell, whom it toucheth: and therfore it may lightly cause great gruge in the hartes of many people. And as the truth is, it hath done so alredy. And nowe as to those two articles I wil say thus farre therin, that in good faith I knowe none that holdeth opinion, that good werkes be not necessarie to saluacyon, specially in men that haue full vse of Reasone, ne yet that all thynges oughte to be in common. ¶ And I suppose verayly, that

that there is noted to be a greatter variance in tho poyntes and in dyuers other also, then there is in dede, yf the very intent of the parties were perfytely knowen, and if it be so, then is there a gretter defaut in thē that wyl so lightly iuge other to be heritikes, then there is in them that they note to holde those diuersities of opinions.

23. Also what a great abusion is it in many spirituall men, as well religious as other, whyche be specially ordeyned for the mayntenance of the seruice of god, that they kepe in their handes pastures and groundes, which somtyme were townes or villages inhabited with people, whiche righte moche maynteyned the seruice of god, and many of them kepeth in their handes also, parkes for fedynge of wylde beastes, that myght ryght well be made the fedynge of Christen people, and that in great nombre: and thus they that most specially ought to maynteyne the honour of god, and increase his seruice,

greatly

greatly decay it, diſtroy the people, weken the power of the kynge and of the realme, and delay the repayring of the falle of aungelles verye moche, and though ſome tempozall men haue ſuch paſtures and parkes as welle as ſpirituall men haue: yet the greatter defaut in the keppynge therof is in ſpirituall menne, and therfoze haue I ſpoken of theym fyrſte.

24. Alſo there gothe a common repoꝛte abꝛode amonge the people, that ſpirituall men be moſt commonly moꝛe harde and ſtrayt in makyng of leaſſes, rerynge of rentes, leuenge of fynes, takynge of heriottes, allowynge of reparations, alowyng of fees to offycers and ſuche other, then any lay men be. And as it is ſayd, they take occaſion to do ſo vnder pꝛetence, that all that they do is foꝛ mayntenance of pꝛayers, and of the ſeruice of god, ſoo that hit is in goddis quarell all that they doo. And therfoze if they take any ſuite foꝛ any ryght that they clayme, oꝛ that any ſute

be taken ageynste them, they are moste commonlye moze extreme and ferther froo a meane waye, thenne any laye menne be.

¶ And this doth great hurt, & maketh the people to gruge ageynst them, and to esteme great parcialitie and couetyse in them, and so wyll it do as longe as it continueth, let them cloke it vnder the colour of goddis quarelle all that they can. BYZ. They muste nedes sue foz their right, and also defende it. Foz els it myght happen, that they in pzoces of tyme shoulde haue but a lyttell to lyue with. And suche a repozte as thou spekest of maye lyghtely go abzode without cause, and therfoze they maye not leese theyz ryghte foz suche exclamations. SALEM. As the common pzouerbe is trewe, that there is neuer smoke withoute somme fyze, so is hit trewe, that this repozte is not rysen withoute somme cause, thoughe peraduenture the cause be not so greatte as the repozte is.

And

¶And trouthe it is as thou ſayſt, they muſt nedes ſew for theyr ryght, and alſo defende hit. And I agree well, that it is very harde alſo to knowe, where a manne is extreme in his ſuytes, and where he is extremely handeled, and therfore I trowe the beſte remedy were for theym to diſpoſe theym ſelfe in doubtefull thynges rather to be ouer ſufferable.

25. ¶Alſo it hath ben a righte greatte ouerſyghte in tyme paſte, that the deformitie of the bodye hathe bene more myſlyked in theym that ſhoulde be admytted to be prieſtes, thanne the deformytie of lyfe, or lacke of moralle vertues, or of lernynge. For yf he be perſonable, the lacke of ſuche thynges, as hit is ſayde, be ſoone paſſedde ouer, as thowghe the goodlyneſſe of the perſonne ſhoulde ſounde to the honour of prieſtehoode, but ſurelye hit is Mekenes and Charytie, that bringe to prieſtes the veraye trewe honour.

26. Also if it were well consydered, there are fewe ceremonies of the churche, but that they sounde either to a preeminence or els to a profyte of prestes, and that hath caused some persones to fynd defaut at such ceremonies, whiche as farre as euer I coulde perceyue, be of them selfe right good as to the most parte, if they were handled with mekenes in the mynysters, as they shuld be. BYZ. But I praye the what be those cerimonies, that they meane of? SAL. They meane of creppynge to the crosse, and of the disciplins afore Easter, that the bryde muste be gyuen to the prieste, and that the brydegrome muste kysse the prieste, of the halowynge of candelles, churches, ymages, and belles, and of the beryng of candelles on Candelmas day, of sensynge the mynisters at certayne feastes, of lyghtynge a candell before the Gospell, or els not to procede any farther, ne that none shall say Dominus vobiscum, but he be within holy orders, and of dyuers other moo

then

then I can remembre nowe. BYZ. All theſe be good and commendable. SAL. I thynke they be. And yet many men wene, that if there were no money offred at the crepyng to the croſſe, ne money gyuen for halowynge of churches, images, and belles, that thoſe ceremonies wolde laſte but a whyle: and vndoubtedly there be many that thynke, that there be ſometyme diuers ceremonies at maſſe, that were rather brought vp for an honour to the miniſters then of the ſacramēt, or of the ſeruice of god. And therfore they ſay, that if leſſe worldly pompe then is many tymes vſed aboute the minyſtracyon of it, it wolde pleaſe our lord better, and be alſo more edifienge to the people then it is nowe.

27. ¶Alſo byſhoppes that be canoniſed haue a prope common appoynted vnto byſſhoppes, and this Antyphon, *Ecce ſacerdos magnus*, is often in their ſeruyce. And kynges that be canonyſed haue moſte commonly the common appropried to an abbot. And me thinketh

that, that is not ordered, as it shoulde be. For as me semeth the clergy can not of congruence gyue no lesse honour to a kyng then to a byshop. BI. The canonisyng of sayntes, ne yet the seruice of ỹ church profiteth nothing the saintes. And therfore it forceth lyttell what antyphan or commons they haue. SALEM. It is trewe as thou sayeste, but yet suche canonisations and the seruice ordeyned vpon it, be occasions to encorage theym that be of the same degree as they be: to desyre lyke vertue as they hadde that be soo canonysed, and sythe the vertue in princis is mooste necessarie to the people and to the holle commen welthe before all other: it semeth somewhat to be meruayled, why suche canonisations haue not ben so ordered, that they shulde encourage princis to vertue more specially than any other. BYSANCE. Pryncis glorifye theym selfe but lyttell, for the canonisation of other prynces, ne care but lyttelle for the seruyce appoynted to theym.

Sa-

SALEM. But yet somme spiritualle menne haue for theym selfe regarded suche thynges in tyme paste ryght moche, and me thynkethe alwaye, that they oughte to doo lykewyse for kynges and pryncis, yea and that moze thenne for theym selfe. BISANCE. Well I perceyue nowe, that thy meanynge is, that spirituall menne haue in suche canonisations ben moze diligent to canonise one of the same degree, that they be of, thanne any other, as byschoppes of byschoppes, priestes of pristes, and religious, of religious, and specially suche as be of the same regular ozder as they be. And yet though it be soo, it is no defaute in theym, as me semeth, but rather a prayse: for it is an enuye for vertue, whiche is called pia inuidia, a meke enuye, and that is commendable.

¶ SALEM. Enuye in vertue is commendable, as thou sayste, but an enuye, who maye haue his vertue moze knowen, or mooze lawded

and preysed then other, is not commendable. And it is verye lyke that suche thynges haue ben sene in some menne, concernyng such canonisations in time paste, but in princis no suche affection can be iudged. For commonly lesse honour is gyuen to princis that be canonised, thenne to other, as it appereth of saynt Lucius that was the first kynge christened of the Bytons in this realme, and of saynt Ethelbert, that was the fyrste christen kynge of Englysshe men, whiche be but lyttel knowen, and haue but lyttell honour in comparison of other, and that me thynketh is not well ordred. BISAN. Well I perceyue thy mynde nowe in this mattier more perfitely then I dyd before, and nowe syth thou haste spoken before of canonisations of sayntes, I praye the lette me here thy mynde, to what intent they were fyrste ordeyned, and who hathe auctoritie to make theym. SAL. One cause why they were ordeyned, was to encrease vertue in other, specially in them

theym that be of the ſame degre as they were, that be ſo canoniſed, as I haue ſayd before, and it hath ben moſte vſed for them that haue lyued a good and a bleſſed lyfe, aboue the common ſorte of other good chriſten menne, to gyue the people god example in prayer, faſtyng, and almes dede, in ſufferynge of tribulations, and verations for ryghtwiſenes pacientlye, or ſuche other. And yf it pleaſe our lorde to ſhew myracles for him, wherby it appereth that he hath accepted his good werkes, that is a thing moch neceſſary in ſuch canoniſations: An other cauſe of ſuche canoniſation hath ben alſo to eſchue ſciſmes & variãces among the people, when one wold worſhyp one as a ſaynte, and an other wolde ſay he were none. And in the chapytre *Extra de reliquijs. Ca. Audiuimus*, It is ſayd, that thoughe myracles be done, yꝑ yet it is not lawfull to worſhyp any as a ſaynct without auctorite of the ſee of Rome. But what auctorite the ſee of Rome hath to make ſuche a canoniſa-

tion I neuer harde. Howe be it fyue reſons be made in the gloſe, *De reliquijs et veneratione ſanctorum. Ca. vnico, Glorioſus libro. 6.* why the ſee of Rome ought to do it befoze all other.

¶ Fyrſte is, by cauſe the canonyſacyon of ſaynctes is one of the greatteſte cauſes, that maye be pourpoſedde amonge Chryſten people. The ſeconde is, that bycauſe myracles be aſcrybed to the feythe. Therfoze this queſtion ſithe it is notably of the feithe, is to be referred to the ſee apoſtolyke. The thyrde, bicauſe it perteineth to the pope to open and declare the doutes of ſcripture, therfoze of ſtronger reaſone he ought to open and declare the doubtes of holyneſſe. The fourthe is that hit oughte onely to belonge to the See of Rome, leeſte by the ſymplicitie of many byſhoppes, the people ſhoulde happen to be decepued. The fyfte, leeſt the ſaynctes canonyſed ſhoulde be increaſed to a nombze infinite. And ſoo therby deuocyon waxe colde, and holyneſſe

lytell

lyttell ſette by. Theſe be the reaſons of the ſayde Gloſe, and as me ſemethe, they proue not the intente, that they be made for.

¶ And as to one of the ſayde reaſons it is apparant, that it dothe not. For it is euident inough, that one byſſhoppe may ſooner be decepued than many byſſhoppes: and all the reſydue of the ſaid reaſons I commytte to the iudgement of the reders. And where in the ſame gloſe, it is ſayd ferther, that if the churche erre in the canoniſation of a ſaynt, that yet it is not to beleue, that hit erreth. Surely if the churche erre therin in dede, it is meruayle, why hit maye not be beleued that it erreth, for the truthe is alway to be beleued, though ſomtyme after the lawe of man, a man may be ſtopped to ſaye the truthe, as hit is in dyuers caſes of eſtopelles, in the lawes of Englande, where a manne maye be eſtopped to ſaye, that he knoweth verely is trew, but yet all though he be ſoo eſtopped to ſaye the trewthe,

he

he may beleue therin as he lyste, and so reason wolde he shulde do of suche canonisations. And therfore I thynke, that the meanynge of the sayd glose is, that if the churche vpon vntrue proofes canonise one that is no sayncte in dede, that yet if a man wyll say, that he is no saynt, that he offendeth in that saying. For why, to say that he is no saynte, is is almoche to say, as that he is in hell, for all that be in heuen or pourgatorie be saynctes. For they in purgatorie be sure of saluation, thoughe as somme holde opinion, they lacke the fruition of the godheed: and that therfore it is ryght good and charitable to pray that they may be brought to it.

¶ And then sythe it is an offence to affyrme opinatiuely, that any person that is departed is in Helle, onles it be proued by scripture that it is so, as it is of Cayme, Judas, and some other, more stronger he offendeth, that wyll opinatiuely saye, that he whome the churche hath canonised is in helle. But though it be

ſt be agreed, that it is an offence to ſay that he that the churche hath canoniſed for a ſaynt, is no saynt, yet why it ſhuld be heriſi to ſay he is no ſaint, ſith it may be true as he ſaith, and as the ſaid gloſe affirmeth ꝑ it may be, I ſe no reſon. For they them ſelf that haue canoniſed him knowe not ne can not know aſſuredly, that he that is ſo canoniſed is in heuen, but that they haue a good truſte that he is ſo. For the wytneſſe maye deceyue them, as is ſaid before: And accordyng to the ſame effecte it is ſayde, *Extra de ſenten. excommunicationis a nobis ſecundo*, that the iugement of god is ſo knytte to the truthe, that it neuer deceyueth ne can not be deceyued, but the iugemēt of the church folowеth oft times the opinion of men, & ſo it may be vntrue, & deceiue, and alſo lightly be deceyued. And more ouer one of the principal intentes of ſuche canoniſatiōs, is when any opinion riſeth amonge the people, that ſuche a man is a ſaynt, and that ſome begyn to honour hym, and ſome haply ſaye they

doo

doo not welle to sette the mattier in suche an ozder, that there shall be no scismes therbppon amonge the peo= ple. But yf any opinion ryse amonge the people, that any is holye and bles= sed, and myzacles be doone, than it is suffered, that the people maye honour theym, yf they be not pzohybite by the superiours, not withstondynge the sayde Chapitre *Audiuimus*.

¶ And vnder this maner kyng Henry the syxte, and mayster Johñ Shozñ be suffered to be wozshypped, which be not canonysed. And what a canonisation trowest thou had the apostels, and such other holy men, in the begynnynge of the churche? BISAVNCE. I trowe none, but that the holy goste wytnessed in the hartes of all the people, that they were holy and blessed, and that suffised without any ferther canonisation. SA= LEM. Surely it is as thou sayste, but of some other newe sayntes, it hath not benne alwaye so, but whanne somme hath holden one veray holy, an other

hath

hath douted at it. And therfore to kepe the people in a good quyetnes in that behalfe. Canonyſacyons haue benne made, not that the people ſhoulde be bounde therby to beleue their holynes, as to an artycle of the faythe, but to gyue theym occaſyon the rather to agree therin in one, ſythe ſo many great clerkes haue allowed the wytneſſe in proſe of his holyneſſe, as there hathe doone.

¶ And therfore though it were admytted that he were an herityke, that wold obſtinately holde opinyon, that the churche gathered to gether in the holye gooſte maye erre in a thynge that is of the fayth, & that this is of the ſame effect, for as moch as the canoniſation of a ſayncte perteyneth to the Faythe, bycauſe that in the inquery of his fayth, and of his moralle vertues, and of his doynge myracles ſtondethe all the mattier: hit maye be aunſwered, that the caſes be not lyke, for two cauſes.

Fyrſt

Firſt for that ſuch a canoniſation is not appoynted by the lawes to the holle clergie, ne to the generall counſell, but to the ſee of Rome onely, and vndoubtedly that ſee may erre, deceyue and be deceyued. For that ſee maketh not the churche. Seconde in ſuch a canoniſation it ſuffiſeth, if the wytnes affyrme, that he was a man of a true faith, with out reherſynge all the articles of the faithe in ſpeciall. And therfore the determination of the articles of the faith foloweth not therbppon: And that the churche maye not erre in thynges that be of the faithe, I take it to be vnderſtonde, where any great dout ryſeth concernynge the faith. And that, that dout is commytted to the churche: wherby I vnderſtonde mooſte prpzely the generall Counſayle, that they then may not erre. And therto I can ryghte well agree. For it is not to thynke, that our lorde that is the very truthe, wolde leue his people without a dewe meane how to come to knowlege of the truthe: for

that

that wyll not leaue any one particular perſon in ſuche doubt, but that he may come to the knowledge of the truthe, yf he wyll fully put his truſt in hym. And therfore it is ſayd. 2. par. xx. *Cum ignoremus, quid facere debeamus, hoc ſolum reſidui habemus, vt oculi noſtri ad te dirigantur*, that is to ſay, Lorde when we be ignorant and wotte not what to do, this only remayneth to vs for our comfort, that we lift our eien vp to the, as who ſaythe, that ſuffiſeth vnto vs, ſo that we ſhall not erre. But in ſuche a canoniſatyon, though all the hole clergie dyd it, they might erre. For it is but mater in dede: and more ſtronger the ſe of Rome may erre therin. B Y Z. This maner of reſonynge is daungerous. For hit myghte lyghtely induce the people to ſette at nought the order and decrees of theyr ſuperiours. S A L. As to that thou knowest well, that no man hath power to make lawes to bynd other, but he haue auctoritie therto of god. And yf it can be proued, that the clergie haue auctoritie

rite of god to canonise a saint, and that they be all heritikes, that beleue it not, it must be obeyed, our lorde forbeade it shulde be otherwyse. But if it can not be proued, that they haue that auctoritie by the lawe of god, but that they haue hit onely by a custome and sufferaunce of Princis, thenne the reasonynge of hit shall doo good to cause the matter be knowen as it is.

And yet maye the sayntes that in tyme paste haue benne taken for holye and blessed, be styll so taken.

¶ And thenne also shall hit not be taken for herysye, that is none in dede: but the verye trewe intente of canonysations shalbe knowen.

¶ And I suppose farther, that it were no greatte mattier, whether any were canonysed hereafter or not, yf the people wolde be quyete withoute it: and not be soo newe fangle to pylgrymages, as somme haue benne in tyme paste, and thenne to kepe the people in quieteneſſe and in good ordre in all thin-

thynges, kynges and pryncis are moste specyally bounden to before any other.
BYSANCE. Pryncis canne not determyne, who hathe a ryghte faythe, and who hathe not, ne what is a Myracle, and what not.
¶ SALEM. To examyne all the partycular artycles of the faythe, is not necessarye in Canonysations, as I haue sayde before, and what is a miracle, and whatte not, Pryncis and theyr counsaylles maye haue knoweledge sufficiently: And therfore as me meth it pertayneth mooste specially to theym to order and appoynte suche canonysacyons atte a generalle Counsaylle, rather then to any other, takyng the clergye to them as theyr counsaylours in that behalfe. But for as moch as Pryncis haue in tyme past lyttell regarded suche small matters, beyng occupyed in more vrgent causes, for the common welthe, byshops and spiritual rulers haue loked vpon suche canonisations, whiche the people haue obeyed,

and princis haue assented, and therin they haue done ryght well: and after by the long continuance and sufferance they haue claymed, that they of ryght and none but they ought to do it: and yet haue they not only claymed that to the hole clergie, but haue so handeled the matter, that it hath bene broughte onely to the see of Rome to do it. And therupon pretence hath ben made, that who so euer that see wyll appoynt to be taken as holy and blessed, shall be so taken vpon the peyne of herisie, and to be taken as a scismatike deuyded froo god, and his church, and whether that hath ben a great ouersight, and a right great abusion or not, it is apparant.

BYZ. If one prince auctorised one as a saint, yet perauenture an other prince wold not so accept hym, and so it might happen to make variances betwixt the countreyes, when one wolde take one as holy and blessed, and the other not.

SAL. And therfore it were moste conuenient, that it shulde be done at a generall

nerall counſayle. And that princis and their ambaſſadours ſhoulde be therin iudges, takyng the ſpiritualtie as their counſaylours in that behalfe, as is ſaid before. BIZ. If a man wolde say abydingly, that Peter and Johñ were not holye, I ſuppoſe hit were herieſie, why ſhuld it not be ſo likewiſe, when a ſaint is canonyſed: and the people hathe of longe tyme accepted hym for holy and bleſſed, be herieſie to ſay abidingly, that he were not holy ne bleſſed: SAL. To ſaye that Peter and Johñ or any other of the apoſtels were not holy and bleſſed, it were ageynſt ſcripture: For our lorde ſaid to the apoſtels, Luce. 22. I ordeyne to you as my father hath ordeyned to me the kyngdom of heuen: that ye ſhall ſyt vpon my table in my kyngdome, iugyng the. xii. tribus of Iſrael. No man therfore may ſay that the. xii. apoſtelles be not in heuen, but he ſaye ageynſt ſcripture. And ſo the very ſcripture is a ſufficiente canoniſation for them. But it is apparant inough, that

it is not so of other sauntes, ẏ be not canonised by scripture, though they haue by reson of their holy life & miracles bē accepted for sauntes neuer so long. And therfore though a man, ẏ wold say, that he that were so canonised, were not worthy to be canonisid, did not wel, ne were not to be cōmended, bycause he went so far fro the cōmon opiniō of the people, & of that ẏ clergie hath approued, yet it shuld seme not to be herisy to say it. B I. what is it then to say, that a nother mā that is not canonised, is as good & as high in heuen, as Peter or Johñ? S A L. Surely it were a foule presumption, & a great ouersight to saye it: but yet it were no heresie. For it denieth not but that Peter & Johñ be in heuen: and I trust ẏ there ar none of ẏ opinion. And if any mā of malice, & to make a rumor amonges people, wyl report that there be certeyn persons of that opinion, they offended right greuously therin. And surely suche reportes haue done great hurt, and wold be wel loked vpon here after.

after. For there be many ſo light of credence, that though the thing ſpoken be to the hurt of a right gret multitude of people, yet they wil anon repoꝛt it ouer to other, not knowing ꝯ it is true ꝯ thei ſay. 29. And now if thou wilt giue me ꝯ hering, I wyl ſhew the a litil of my cõceite, cõcerning the chap. Oĩs utriusq; ſexus, which is ex. de pen. & ramiſſ. B I. what thinkeſt thou of ꝯ chaptre? S A. That it is not ſo reſonable in one point as me thinketh it ſhuld be, & ꝯ foꝛ this cauſe: euery perſon man & woman, after that he oꝛ ſhe comith to the yeres of diſcrecio ſhal therby ſpecially ones in the yere be cõfeſſed to theyꝛ owne pꝛieſt, wherby is vnderſtande theyꝛ owne Curate: howe be it, it is decreed after in the ſame chapitre, that if a man vppon a iuſte cauſe wyll be confeſſed to an other pꝛieſte: he ſhal fyꝛſt aſke licẽce of his owne pꝛieſte and opteyne it: foꝛ els the other pꝛieſte (as it is ſayde there) maye nother looſe hym noꝛ bynde hym. But it is not expꝛeſſedly declared in the ſayd chapitre,

that yf a man vpon a iuſte cauſe aſke lycence of his prope prieſt to be ſhriuen in an other place, & he of malice or frowardnes refuſeth to gyue hym licence, whether he may therupon be ſhriuen at his liberte in an other place, & ſom haue ſayde that in that caſe, the paryſhen is bounde to go to the ſuperiour, and that he may compelle the curate to gyue lycence. And ſome other haue ſayde, that the ſuperiour may in ſuche caſe giue licence him ſelfe. And many curates pretende the contrary, bycauſe the wordes of the ſayd chapitre be ſo generall, that lycence muſt be opteyned. And therfore they ſay in al caſes the paryſhens muſt be ſhriuen of their prope curates, oneles the curat be content to gyue lycence to the contrary. And therfore for a more clere waye in conſcience in this behalfe, many paryſſhens haue in tymes paſte obteyned froo Rome, that they myghte chooſe theym an able confeſſour, and a greatte multitude of ſuche lycences haue bene pourchaſed,

as it

as it is well knowen, whiche hathe be right great charge to the people in many places. And yet curates haue holdē, that not withſtondynge ſuche licences, religious men, bycauſe they be neyther elected by the people, ne appoynted by the byſhoppe, to haue the execution of a prieſtes power ouer the peple, be none able confeſſours, and dyuers men haue ben of the ſame opinion. And therfore a ferther queſtion hath ben moued ther vpon, that if any religious men haue opteyned a priuilege, that they may enioyne penaunce to the people, whether that then they be able confeſſours, ſo that they may laufully here the confeſſion of an other mans paryſſhen, that hath ſuche a pardon, as is afore reherſed, and no lycence of his curate or not, and yet many curates haue ſayde nay. And the gloſe vpon the ſame chappytre, *Omnis vtriuſq; ſexus*, vpon theſe wordes, *Alieno ſacerdoti*, is of that opinion, as to the reder wyll appere.

¶ And by theſe diuerſities of opinions

haue risen great variances and striues bytwixte curates and theyr parishens, where most loue and charitie shuld be, to the right great peryl and daunger of the soules of many persons: & it is very lyke so to do as longe as it shall be suffered to contynue as it dothe. It semeth therfore right expedient, that the rulers prouide a conuenyent remedye in this poynte, in as reasonable time as they can.

¶ And ferthermore if spiritual reulers wolde now in this daungerous tyme, for the auoydyng of suche abusions, as be here before remembred, and of dyuers other here omytted, wherby great gruges haue rysen in many parties of christendom, be dylygent callers on to haue a generall counsaill, not onely to auoyde suche abusions, but also to determyne, what power the clergie ought to haue, by the lawe of god, and what by custome or by graunte of princis, and what not. And that they wolde be be contented to renounce all suche auc-

toritie

tozite as the ſayd counſail ſhuld thynke expedient to be renounſed: then it will appere, that they intende the honour of god, and welthe of the people. And if they wil indeuour them ſelf to defer the general coũſayl, & reſiſte it to their power, thẽ it is a lykelyhod, ẏ they wyl do what they can, to maynteyne the auctozitie, power, & wozldly honour ẏ they haue had in tyme paſte, without abatynge of it. And if it be ſoo, all pzincis chziſtened are bounde in conſcience to loke on it: and not to ceaſſe, tylle they haue by one aſſente reformed, that is amyſſe in that behalfe. BIS. Perauenture they wolde be the lother to ſuche a refozmation, foz it ſhuld ſhew a defaute in their pzedeceſſoz, in that they wolde pzetende to haue a power, where they had none: and that they wold alſo ſuffer ſuche thinges, which now be taken foz abuſions. SAL. That pzetence and ſufferãce was not begon by the biſhops that nowe be, and if they had, yet they ought not to põder it ſo moch, but that they

they ſhoulde reſourme it if they coulde, accordyng to this counſaile, that ſaith, that that we haue vnaduiſedly doone, let vs aduiſedly reforme ageyne. And yf they wyll do ſoo, I thynke veryly, they ſhall haue more true honour in the hartes of the people, then they haue had in tyme paſt. And it is not for ſpirituall men moche to regarde ſuch temporal honour. For they may more lightly offende in acceptynge of it, than temporal rulers. For they ſhulde euer ſtere the people by worde and by example to perfyte mekenes, and to diſpiſynge of all worldly pleaſures: and ſuch worldly honours in ſpiritual men, breke that exaumple very moche. More ouer it is not verye lyke, that theſe grudges and murmurations that nowe be amonge chriſten mē wyl be appeſed, but it be by a general counſayl, or by battayle. And battaylle can be no reaſonable iuge in this caſe. For I here of no matter ẏ is now in variance, but that it may right wel be determined by way of counſaile.

And

And the people as far as euer I coulde percepue, are moche deſyrous to here the determynation of the ſuperiours therin, & redy to obey, and ar not inclyned to any one opinion articuler or ſinguler affectiõ ſo moch, but that they ar redy to be reformed: & deſyre nothynge more then to knowe the truthe, and to haue perfit mekenes appere amonge ỹ clergi. Who may then in this caſe with out offence take the ſwerd, not aſſaying fyrſt, whether all myghte be appeaſed with Loue and Charitie withoute the ſwerde? I trowe no man wyll ſay that any man may do it. And ferthermore it appereth in a boke that is called *Libellus de moribus Turcarum*, that there be among the turkes foure dyuers opinions, who ſhall be ſaued, wherof the fyrſt opinion is of them that ſay, that no man maye be ſaued, but by the law of Mahumite. The ſeconde opinion is of theym, that ſaye the lawe of Mahumyte profiteth nothyng but the grace of god, the whiche they ſay profiteth without lawe or merit.

merit. The.iii. opinion is of thē that say that euery mā shalbe saued by his merit without law or grace. The.iiii. is of them that say, ꝑ euery mā may be saued in his own belefe, & that there is gyuen to euery natiō a law by god, in the whiche he may be sauid. And that no law is better thā an other, how be it they that be of that opinion, be moche suspected amonge the Turkes, and be taken as scismatikes, and be greuously punyshed, when they be found. And therfore they kepe theym selfe secrete, and dare not shew their opinion openly: but they that be of the other three opinions, be all of great multitude and power, and dare well auowe their oppnion. And therupon ryseth many tymes greatte argumentes, variances, and debates, whiche sometymes can not be appesed without great battaylle. And therfore he that is strengest hath his waye preferred for the tyme. And these opinions can neuer be clerely determined amōge them, bicause they lacke a grounde to

bꝛynge them to the knowledge of the truth therin: foꝛ the boke of their lawe, which they call the Alkaron, is ſo ful of lyes and vayne trifles, that it bꝛingeth them alwey that loke vpō it, into moꝛe doutes then they were beforꝛe. And therfoꝛe theyꝛ pꝛieſtes be alway ſoꝛye, when it ſhal be bꝛought foꝛth. Foꝛ they know well, that the moꝛe it is loked vpon, the moꝛe the falſehode therof wyll appere. But we be all in an other caſe, foꝛ we haue ſuche a law, that is to ſay the law of Chꝛiſt, that if we wyl with mekenes ſtudy howe we myght come to the true knowlege of it, we ſhall pleynly ſe in it the true concluſions of al thinges ꝯ be neceſſarye to our ſaluation. And if our pꝛiſtes wolde be loth to haue ꝯ law of ꝯ goſpel knowen, it coude not be thought to be bicauſe the truth will not appere by it, foꝛ in dede as they knowe beſt, all truth apereth in it. And therfoꝛe if they ſhulde reſiſte to haue it come to perfite knowlege, it were lyke that they dydde it foꝛ feare that it ſhulde appere therby,

howe

howe far theyr maner of lyuyng nowe in these dayes varieth fro it, than that they shulde doubt that the trouth wold not appere by it: what then shuld moue vs to leue that trouthe, and tourne vs to the vncertayne chaunce of battaylle and warre? If we do so, we shewe our selfe by our dedes to folowe the Turkes and saralyns rather then our maister Christe, though we wolde with our wordes happely say nay. And if suche a generall counsayle were gathered, it is no doubte, but that they wolde holly agree, that the clargie shoulde haue all the power and auctoritie that was gyuen to them of Christe. For they might not take it fro them if they wolde.
And ouer that it is not to suppose, but that they wold agre also: that the clergie shuld hold and enioy al suche auctoritie, libertie, & power, as hath in tyme past ben graunted to them by temporal princis, or that they haue by custome had possession of, so that it stande with the honour of god, encrece of the faith,

and

and the tranquillitie of the people. And if they pretende to haue any auctoritee, that ſtandeth not therwith, it were neither good for them ſelfe, ne for none other, that they ſhulde haue it any lenger. And ferther more there is yet one thynge, that dothe as moche hurte, as I trowe any other thinge dothe. BYZ. What is that? SAL. That there is an opinion amõge moche people, that many of the clergie, bothe ſpiritual rulers and other vnder them, haue taughte & preched in tymes paſte diuers thinges, more ſpecially for their owne ſyngular profite and honour, then for the honour of god or welthe of the ſoules of the peple, & that yet they endeuour them ſelfe no more to eaſe the myndes of the people therin then they do. For neyther do they make it appere to the people, that they grudge therin without cauſe, and ſo offende god therby: ne yet refourme they not that that the people gruge at.

And nowe if any man wyll ſaye, that good indifferẽcie wolde, that we ſhulde

haue touched also defautes in the tem-
poraltie more thenne we haue done, to
that I wyll saye thus, that I am right
farre deceyued, but this be true, that
the worlde shall neuer come to a good
peace and perfyte reformation, tyll the
spiritualtie, eyther by their owne free
wyll, or els by a good diligent callinge
on of the temporaltie, be fyrste refour-
med, and that then they in charitie and
in a pure loue to god and to the people,
putte to their handes to reforme suche
thynges, as they thynke to be mysused
by temporall men, whiche yf they do,
it is not to doubte, but that they shall
righte shortely bryngе the matter to a
good effecte. For it is no lyttel thynge,
that spirituall men maye doo therin, if
they wyll, and if they wyll in no wyse
lay their handes to the matter, I think
verily, that it wyll be harde to bryngе
the worlde to a good reformation: but
that it shall abyde styll out of order, as
it hath done in tyme paste.

Who

Who is the higher iudge in ſuche
cozrections, as be called ſpiri=
tual cozrections, the kyng
oz the clergye.

The ſeconde Chappytre.

SAL. If the partie in anye ſuite in the ſpiritual courte wyl appele, the ozder of his appeale is appoynted by the ſtatute made an. xxb. R. Hen. viii. and the ſtatute is, that if he appele fro the archebyſhoppe, that he ſhall appele to the kynges maieſtie in his chaunce=rye, and that vpon euery ſuche appele a commiſſion ſhall be directed to ſuche perſons, as the kynge ſhal name to de=termyne the cauſe without ferther ap=pele. And ſyth the kynge may appoynt commiſſioners to determyne the cauſe, I holde it no great doubte, but that the kynge hym ſelfe is the hyghe iudge vppon euery ſuche appeale. BIZAN. yea but my meanynge is in ſuche ſuy=tes, where there is none appele taken:

but that the ſpirituall iuges gyue ſentence ageynſt the partie, and appoynte him peaſe to do vnreaſonable penance, whether he maye haue any remedye by the lawe of the realme. SAL. What thynkeſt thou in that queſtion? BYZ. That he hath no remedy by the kinges lawe. For if he obey not the ſentence, he ſhalbe accurſed. And if he ſtande accurſed .xl. dayes, the kynge, vpon the Certificat of the byſhop, is boũde of iuſtice to awarde a writte, that is called a writ *de excommunicato capiendo*, and therypon ſhall he lye in priſon tyll he haue aswel ſatisfied the churche of the contempte, as of the wronge done to her. For the ſtatute of *Circumſpecte agatis* is, that corrections, whiche plates make for deedly ſynne, as for fornicacion, auoutrie, & ſuche other: the ſpirituall iudge, if he procede to the correction of the ſynne, ſhall holde plee, not withſtandyng the kynges prohibition. And by the ſtatute of *Sub qua forma*, yf bodyly penaunce be enioyned, and the partie wyll freely re-

deme

deme it for money, he may doo it. And ſo it ſemeth, that the corrections of fornication, auoutrie, and ſuche other, by the which terme (ſuche other) be vnder ſtande vſurie, ſimony, yea and periury, and ſklaunder in ſome caſes, perteyne of very right to the prelates to correct. And though they aſſigne vnreaſonable penaunce, yet I ſuppoſe there is no remedy, but by appeale. And yf the partie leſe the aduãtage of his appele, then he hath put hym ſelfe without remedy. And ferthermore by the conſtitution pupnciall, that is in the thyrde boke amonge the conſtitutions, De immunitate eccleſie, which begynneth, Seculi principes, It appereth, that he that is in priſon, for that he is excommunicate, oughte not to be delyuered tyll he haue made ſatisfaction as well to the churche, as to the partie: And ſo ſythe the churche may aſſigne the ſatisfaction, it ſemeth that the churche is the high iudge. S A. I percepue thy concept wel, but er that I anſwere the therin, I ſhall ſhewe the

my conceyte in a nother thynge, that is to saye, that as I suppose, suche spirituall corrections as nowe be vsed for fornication, auoutrie, and suche other be not merely grounded vpon the lawe of god, but by the law of man, & in this realme they ben done by the clergy, by a custome of the realme, except only the ꝑces of excõmunication. And if the kinges courte had vsed to haue holden ple also of fornication, and auoutrie, and such other the clergy could not of right haue compleyned of hit. And I holde it no great doubte, but that the parlyament myghte yet ordeyne, that it shuld do so herafter. But parauenture it was thought at the begynnynge of that custome, that it was more ease for the people, and lesse expences, and parauenture more conueniente to haue suche smalle matters sued in the ordinariis courte, then in the kynges courte: and therfore it was then so suffered to be. But if it shoulde happen to appere by experience, that it were as good or better

ter

ter to the kynges subiectes, to haue su=
sue matters determined in his courtes,
as in the ordinaries: It shoulde seme
good to bryng suche corrections to the
kynges conrte. For tho synnes may be
corrected there, as wel as in the spiritu=
all courte. For hit is here to be noted,
that although a man be enioyned in the
spirituall court to do such compulsato=
rie penaunce as is there comonly vsed,
and he doth it: yet he muste after that
be confessed of the same offence, & take
penaunce of his gostely father. And so
myght he do if he were fyrst corrected in
the kinges court. Neuertheles I speke
not this to thentent, that I wolde that
suche suites shulde be broughte to the
kynges courte, but that hit maye ap=
pere, that prelates holde plee therof by
the custome of the realme, and by the
sufferaunce of the kynge and of his
lawes: and not by the imediate aucto=
ritie of the lawe of god. BYSANCE.
If they may holde plee of suche thyn=
ges, it is all to one effecte, whether it be

by the lawe of god, or by the lawe of man. SAL. Nay for if they haue it only by custome, it may with a cause be taken fro theym, and that maye happely cause them to take the better hede, how they order theym selfe in hit. And yf it were by the lawe of god: then it might in no wyse be altered.

¶ And as to the correction of heresie, the kynge hath alwaye sene it doone in this realme: excepte the tyme that the statute that was made in the seconde yere of kyng Henry the.iiii.concerning heresies, stode in effecte. For if a man before that statute, had bene delyuered by the ordinaries to the laye courte for heresye, he myght not haue bene putte in execution without a wrytte fro the kynge, but with a wrytte fro the kyng, after the olde custome of the realme, he myghte then laufully haue bene put in execution. But yet as I take hit, the kyng was not then vpon euery request made for such a wryt, bounde forthwith to graunte it, but that he myghte take

a res=

a reſpite to ſe the proces, & therupon to graunte the wrytte or not to graunt it, as he ſawe to ſtonde with iuſtyce: but as it ſemeth there were ſome that were not content, that the execution ſhulde be delayed in ſuche caſe tyll the kynges wrytte came, but that he ſo delyuered, ſhoulde forthwith be put in execution, and after the ſaid ſtatute of ſecundo of Henry the fourth was made, by what conueyance I can not fully telle, but it is not vnlyke, but that the clergy labou red it, wherby it was enacted, that in ſuche caſe the party ſo deliuered, ſhulde be put in execution, no mencion made that any ſuche wrytte ſhulde be ſued for to the kyng: by whiche ſtatute the par- ties ſo delyuered were ſometyme put in execution without any ſuche wryt, and ſometyme labour was made not with- ſtandynge the ſayde ſtatute, to haue ſuche a wrytte to ſaue all thynges vp- right, and that the kynge ſhoulde take no diſpleaſure. But that was not done for neceſſitie but of policie. For the ſta-

tute was in the lawe sufficient warrãte withoute wrytte. Under this maner diuers haue ben put in execution for he resie, wherupon haue rysen great murmours and grudges amonge the people, whan somme haue affirmed, that dyuers so putte in execution for heresy were no heritikes. Wherfore the sayde statute of Hen. the fourth was repelled by the statute in the. xxv. yere of kynge Henry the. viii. as reason and conscience wolde it shoulde: and therupon it is ordeyned, that if he that is laufullye conuicte for herysy, refuse to abiure, or after abiuration fall in relaps, and be duly accused or presented and conuicte, that then he shalbe commytted to the laye power to be burned. &c. The kynges writte, De heretico comburendo fyrste had and opteyned for the same. And so the olde lawe is therin reuyued. And as me semeth it appereth euidẽtly, that in that execution the kynge is iugge. For it can not be done without his writ, whiche neuertheles he is not alwaye bounde

bounde to graunte, when it is aſked: but as vpon the ſight of the pꝛoces and ſentence, he ſhall thinke the ſentence to ſtande with reaſon and conſcience. Foꝛ the ſtatute is not, that the kynge ſhall graunte the wꝛitte, but that the partie ſhalbe burned, the kingis wꝛit *De heretico comburendo* fyꝛſte had and opteyned foꝛ the ſame.

¶ And therfoꝛe if the thinge that he is cõuicted foꝛ, be no hereſie, as it may be, in ſome caſes, after the clergie, bicauſe it is ageynſte the cannons, and yet be none in dede, bycauſe tho cannons be ageynſt the cuſtome of the realme, and that in tẽpoꝛall thynges: then may the kynge denye the wꝛitte. And then as to that treatiſe, that thou ſpekeſt of, called *Circumſpecte agatis*, I littel regarde it. Foꝛ many men ſay, it is no ſtatute, but that it hath been ſo named to be by the pꝛelates: And ſo it is ſayde in the nyntene yere of kinge Edwarde the thyꝛde, that it was. And hit is the moꝛe lyke to be ſoo, bycauſe the ſame Treatyſe,

in ma-

in maner worde for worde is putte in a constitution prouincial, as a thyng taken out of the kynges aunsweres: and in all the statute bokes, that go abrode among the lerners of the lawes of this realme, it appereth not, that that treatyse shoulde be taken oute of the kynges aunsweres, as to the reders wylle appere. Neuertheles if it can be found amonge the kynges recordes, that it is a statute, I wylle take no exception to it, ne yet to *Sub qua forma*, nor *Articuli cleri*. For as me semeth it maketh no greatte matter to the question, that we be in hande with nowe, that is to saye, whether be hygher iuge in spiritual corrections after the olde groundes of the lawe, the kynge or the clergye, whether they be statutes or not. For if a man be excommunicate, and so continewe. xl. days, the custome is, that he shal vpon the Certifycat of the byshop made therof to the kynge, be taken and put in prison, as thou hast sayd before. But then thou knowest well, that if the partye so beinge

beinge in pꝛiſone, make ſurmys to the kynge, that he hathe offered ſufficiente caucion oꝛ gage, to ſatisfie the churche and they wyll not receyue it: that then the kynge ſhal commaunde the biſhop, that he takynge an able caucyon ſhal ſe the partie deliuerd out of pꝛiſon: and if he obey not the wꝛitte, than the kynge may delyuer the partie oute of pꝛiſon. And ouer that (if he wyll) he maye, as men thinke, put the biſhop to aunſwere to the contempte. Foꝛ diſobeyinge his wꝛytte, and then ſhall the matter be determined in the kinges chauncerie, and there it ſhall comme in tryall, whether the gage were ſufficiente oꝛ not. B Y Z. But whether ſhall that ſufficiencye be eſtemed as thou thynkeſt, accoꝛdynge to the penance aſſigned by the byſhop, oꝛ accoꝛdynge to the offence? S A L. It maye be, that there is no penaunce yet geuen, oꝛ parauenture he is accurſed vppon a contempte foꝛ not apperance. But if the penance be gyuen, & he wyll not do it, wherfoꝛe he is accurſed, and ther=

therupon he is in prison upon the wryt *De excommunicato capiendo*, and therupon he offereth a gage: I thynke that there the sufficiencye of the gage shall be taken, accordynge to the offence, for the penaunce maye be unreasonable. BIZAN. And yf the kynge take uppon hym to trye the greatnes or lyttelnesse of the offence by his lawes, than he taketh upon hym the keys of the churche. SALEM. Naye, for that may be valued as welle by the kynges lawes, as it may by the bysshop, yf the partye wyll redeme his penaunce for money. But if the kynge wold for the refusing of his Caution take upon him to make the absolution hym selfe: then myghte hit be sayde, he medled with the keyes. But sythe he dothe no more, but compelle the bysshoppe to make absolucyon, accordynge to his lawes: It can not be sayde, that he medleth with the keys. BY. The proces of a contempte, that thou spekest of, hath not ben sene. And ouer that the prelates compleyne, that

that if the byſhop refuſe to take the cau cion, that thenne an other wrytte ſhall go to the ſhyreffe to delyuer the partie out of priſone, as thou haſte ſayde be=foze: and in that wrytte they ſay, there is no mencyon made, that eyther the churche oz the partie ſhall be ſatisfy=ed. And that is the princyppalle cauſe, why the ſayde Conſtitution, *Seculi prin=cipes*, was made: SALEM. Thoughe the proces of a contempte hath not ben ſene in the ſame ſelfe caſe, yet the pro=ces of a contempte hathe benne ſene in lyke caſes, foz diſobeyinge the kynges wrytte, and that that is all vppon one lyke reaſon, ſhall be taken of one lyke lawe.

And to that other point, that thou haſt moued, If the kynge vpon the refuſell of the gage delyuer the ptie out of pri=ſon, without ſatisfienge the partie, oz the chyrche eyther: I praye the ſhewe me thy mynde, what wronge hath the churche therby? BIS. It hath wronge foz this cauſe. Foz the lawe of the

churche

churche is, that if a man be accurſed, he ſhall neuer be aſſoylled, but that he ſhall fyrſte make an othe, that he ſhall obey the commaundement of hym that ſhall aſſoyle hym, and that before he be aſſoyled he ſhall make amendis to the parties greued, if he be able, and if he be not able, than he ſhall make an othe, that he ſhall do it whan he is able. And by that wrytte, *De caucione admittenda*, he is delyuered out of pryſon, and neyther the churche ne the partie ſatiſfied. S A. And though he be ſo, yet neither of thē hath wronge. For he is yet accurſed as he was before, and may, er he be aſſoyled, make ſuche othe as ſhall be reſonable, but that othe that thou haſte remembred before is clerely agaynſte the lawes of the realme. But yf the kynge in that caſe pretended, that when the partie were ſo delyuered out of pryſon, that he ſhulde alſo be diſcharged of the execution, then had the clergie ſome colour to complaine, but nowe haue they none at all. And as to makyng amendis

des to the partie, It ſtandeth not with the cuſtome of the realme, that the clergie ſhulde haue power to make any amendes to the partie, but only that they in certayne caſes maye gyue penaunce for the ſynne. And therfore for beatyng of a clerke, the amendes for the treſpas ſhall be made in the kynges court: and for the layenge of violente handes on the clerke, amendes ſhall be made in the ſpiritual courte, but yet they may aſſigne no peine pecuniarie, onles the partie frely wyl redeme his bodily penaũce with money without compulſion. And therfore there is one thynge in the ſayd Treatiſe, called *Circumſpecte agatis*, that maketh me the more to doute, whether it be a ſtatute or not. BYZ. What is that? SAL. It is recited there, that for fornication, auoutrie, and ſuche other, there is ſometyme aſſigned by prelates bodily peyne, and ſomtyme pecuniarie peyne, & I knowe not one caſe, where prelates for correction of ſynne may aſſigne pecuniarie peyne. And therfore I

thynke verily, the parlyamente wolde neuer haue made that recytalle. And thus it appereth sufficientely, that by that deliuerye out of prison, after the refusinge of the said caution, the clergie hath no cause to say, that the churche or partie haue any wronge. BYZAN. Welle admytte hit be therin, as thou sayste, yet it can nat be sayde, but that the custome of the realme is broken by it. SALEM. Why what callest thou the custome of the realme in such case? BIZAN. That the kynge shall kepe in prysone suche as be excommunicate by the prelates, tyll they haue satisfied the churche as well of the contempt as of the wronge. And that the custome is suche, it appereth pleinly by the sayde writ De excõmun. cap. For by that writ the kyng cõmandeth the shireffe to iustifie hym that is excõmunicate by the body, tyll he haue satisfied the churche of the contempt & wronge, as is saide before. And whã he is deliuered without suche satisfaction, the writ is not obserued, ne yet

yet the cuſtome of the realme. S A. The writte is as thou ſayſte, but that is put into the writ rather to put the partie in a fere, & to enduce hym to ſubmyt him the rather to his ordinarie, than it is to ſhew the plainnes of the lawe, or of the cuſtome of the realme, and that appereth by the ſaid writ de Caucione admitten. For by that writ the king noteth vnto ỹ biſchop, ỹ if he refuſe to take a reſonable caucion of the ptie, that he wyl in that caſe do ỹ to hym perteyneth to do. And ſo it appereth, that the kyng hath ſome other thing to do in the matter, then to kepe the partie ſtyl in priſon. And ſurely if the cuſtome were preciſely, that the kynge ſhulde kepe the partie in priſon, tyll he had ſatisfied the church, it were far vnreſonable. For it may be, that the ordinarie iudged hit for ſymonye, vſurye, or periurye, or ſuche other, that was none: ſhoulde the kynge then be bounde to kepe the partie ſtylle in priſone, and to do penaunce, where he is not giltie, it ſemeth not reaſonable.

BYZ. If the kynge iudge, what is sy-
mony and vsury, and what not: dothe
he not take vpon hym to iudge vppon
thinges mere spiritual, and so confun-
deth the keyes of the churche? SAL.
Thou muste always consyder, that (as
I haue sayde before) the lettynge oute
of prisone of one that is excõmunicate,
hurteth not the keys, for that he shalbe
accursed styll, when he is out of prison,
as he was fyrste: and all that the kyng
dothe therin, is to see, whether he may
with conscience kepe the party any len-
ger in prison or not. And I trowe thou
wylt agree, that yf the kynge be so in-
structed, that he thinketh in his consci-
ence, that it is no symony or vsuri, that
the partie lyeth fore, that he maye not
with conscience kepe hym any lenger in
prison. And I praye the, let me knowe
what thou thynkest therin. BYZ. Ue-
rily thou haste brought me in doute of
the matter, and therfore I praye the,
shewe me, what is the veray lawe and
custome of the realme, concernynge a
man,

man that is ſo in pꝛiſone vpon a wꝛitte *de excommunicato capiendo*, as the thinketh. SAL. I take the cuſtome and the lawe of the realme to be this, that he ſhall not be delyuered out of pꝛiſone, oneles the oꝛdinarye certifye the kynge, that the impꝛiſoned hath ſatisfied the chur-che, oꝛ elles that the partie offer a ſuffi-ciente Caucion to ſatisfie the churche, and the oꝛdinarie refuſeth hit: oꝛ elles that the kynge oꝛ his Chaunceler be ſo thꝛoughly enformed in the matter, that it appereth vnto them, that the partie maye not with iuſtice and conſcience be kepte any lenger in pꝛiſon: As if the ſentence were gyuen foꝛ a thynge mere tempoꝛall, oꝛ that ſo playne and ſo ſuf-ficient witneſſe be bꝛoughte in, that it moueth the kynge and his chaunceler, to beleue that the fyꝛſte wytneſſe were vntrue, oꝛ that the examinour entered the ſayinge of the wytneſſe otherwyſe then the witnes teſtified. BYZ. And if there be ſuche witnes, yet their ſayeng ſhall not be beleued: ne the kynge may

not put in trial agayn, that is ones tri=
ed after the order of the spiritual lawe:
SA. To auoyde the excõication I agre
well he maye not put the fyrste proufe
in triall agayne, as thou sayest, but to
order the kynges conscience, & to know
whether he maye ryghtwysely kepe the
partye any lenger in prison or not, he
maye well examyne the truthe of the
matter. For truth ruleth in conscience,
what soo euer the order of the lawe be,
and therfore if the appelle, in an appele
of morder be founde gyltie, & the iudge
of his owne knowelege knewe that he
is not gyltie, he may not gyue iugemẽt
agaynste hym, but must rather resygne
his office. BIS. I agree well there, but
I put case, that the appelle in thy case
be founde gyltie by false verdite, & the
iuge by examination of wytnesse, and
by confessiõ of the same iury also come
to perfyt knowlege, that the appelle is
not gilty, he may neuer the les in ẏ case
geue iugement, and is bounde to do it,
for he toke the examination against the
order

ozder of the law, & therfoze he muſt re-
moue that knowlege, bicauſe he is com
to it of his owne wzonge, & ageinſt the
ozder of the lawe, & euen ſo it is in this
caſe. The king ne yet his chanceler nei-
ther ought not to haue newli eraied the
mater, ſeing that it was ſufficiētly tried
& pzoued befoze in the ſpiritual court, &
therfoze they muſt remoue & put away
the conſcience that they haue gotten by
that vnlawfull examination, and be-
ware that they doo not attempte ſoo
farre ageynſte the lawe an other tyme.
SAL. Though the iudge in the ſayde
caſe of appele dyd ageynſt the lawe, to
examyn new witnes, yet it is not like to
this caſe. Foz in that caſe of appele, the
verdite is of recozde in the ſame court,
and it is giuen by auctozite of the ſame
lawe, that he ſitteth as iuge to iuge v-
pon, & it is alſo tried after the ozder of
the ſame law: ſo that vpon that matter
ther is no ferther trial, wherfoze I agre
wel that he ought not to haue take ther
any newe examination, but in this caſe

the ſentence is giuen in an other court, and after another lawe, than the chauncellour is ſette to iudge vppon. For he is ſette to iudge after conſcience, and not only after the order of the lawe ſpirituall nor temporall but in fewe caſes, and alſo the proces of excommunicatt=on is to puniſhe ſynne, and to mayn=teyne vertue, but what punyſſhement of ſynne, and mayntenaunce of vertue is it, if the kynge kepe hym that is no offender in pryſone? And therfore I thynke the kynge or his chauncellour may well take a newe examination in the matter, and do therafter. BIS. I fele thy conceyte well, but yet ſurely yf ſuche examination be vſed, hit wyll be thoughte by many, that the ſpirituall iurisdiction is therby greatly confoun ded, and that the kynge and his lawes do littel in fauour of it. SALEM. I ſe well thou ſtyckeſt ſoore to the matter, and therfore to eaſe thy mynd ſomwhat therin I wyl moue the of two thynges. BIS. What be they? SA. One is this

if

if the cuſtome were, that whan the excommunicate is in pꝛiſon, vppon the wꝛytte of *Excommunicato capiendo*, that he ſhoulde be kepte ſtyll in pꝛiſon, tylle he haue ſatisfied the churche, whether he be ryghtwiſely excommunicate oꝛ not, were this a lawefull cuſtome? BIS. I thynke naye. SAL. And this pꝛetence that thou ſtyckeſt ſo moche vpon, that there ſhoulde be no examination of the matter is of the ſame effect. The ſecõde is, if the parlyamente dyd put clerely away the wꝛytte of *Excommunicato capiendo*, and lefte the matter in ſuche caſe, that the oꝛdinaries ſhulde iuſtifie al excommunicates by the cenſures of the churche, in the beſte maner they coude without any helpe of the kynge oꝛ of his lawes, ſhulde the parlyament therby do any wꝛonge to the keys of the churche? BY. I thynke nay, foꝛ the power of the clergie concernynge ſuche excommunications ſhulde neuer the les ſtond ſtyll in her full ſtrengthe. But yet it ſhoulde bꝛeake a good laudable cuſtome of the

realme that was fyrst begon in fauour of the clerge, & of the spiritual iurisdiction. SAL. thou sayste euen truth, and my meanyng is not that I wolde haue that custome broken, but that it shulde appere, that thoughe hit were broken, that yet no mā had cause to complaine, as thoughe the lybertie of the churche were therby brokin, or the keis violate, wherfore me thinketh it more expedient for the clergie, to take this matter as it is, that is to saye, that the kynge and his lawes be as well contente to haue suche rebelles, as haue deserued punishment, & yet wyl not obey the keys of the church, correctid, as they be: but yet ỹ the kynge & his lawes shoulde therfore in any case be compelled, whether they wolde or not, to punishe an Innocente, it is not resonable: & thus it shuld seme to be the more indifferēt way, & more accordynge with iustice, that the mater be examined before the king, & that if it appere therupon, that the partie offended not, that he be deliuerid out of prison, &

that

ꝑ the ordryng of the excõmunication be therupon lefte to the conſcience of the byſhop, thẽ to charge the kinges conſcience or his chauncellours eyther, with keppynge of hym in priſon. And then to that thou haſt ſaid before, that if ſuch excõmunications be taken, that it wyl be thought by many, that the kyng & his lawes do litel in fauour of the ſpiritual iuriſdiction, I pray the be iuge therin thy ſelf, whether it be moch or litel, that the kyng doth, whã he only vpon ꝑ certificat of the biſhop taketh ꝑ ptie & leyeth him in priſon, & there kepith him, til he either ſatisfieth ꝑ church, or els if he complaine, that he hath wronge, examineth the mater, he being in priſon, how be it I think, ꝑ the kig in ſuch caſe may if he ſe cauſe let the ptie to bayl, hãging ꝑ examination, though the ſhereffe by the reſon of the ſtatute of weſtm̃.i. may not do it. And nowe to our firſt matter, If the kynge wolde iudge vppon Simony and vſury, thynkeſt thou that he ſhulde offende the keys? BYZANCE.

I

I thynke soo, for symonye and vsurye be prohibited by the lawe of god, and it belongeth to the clergi to declare, what is the lawe of god, and what not. S A. Though symonie and vsury be prohibite by the law of god, yet that proueth not, that princis may not therfore hold ple therof, for takyng away of an other mannes goodes, and also periurye be prohibyte by the lawe of god, and yet princes holde plee therof, and thoughe Symonye and vsurye be prohibite by the lawe of god, yet it is not declared by the lawe of god, what is symonie, and vsery and what not. And it semeth, that princis takyng to them spirituall men, as theyr counsailours, maye doo that well ynough. And if it were ordered, that for symonye that the kynges courte shulde holde plee, I suppose it wolde doo moche good. For hit is not vnlyke, but that manye offende therin, and yet I here but of lyttell correction in that behalfe. And therfore thoughe the kynge iudged vppon symonie, and

vserie

vſerye, I ſuppoſe he offended not the keyes, thoughe happely as the lawe of his realme is nowe, he ſhulde offende his lawes. BY. Well I wyl take a reſpyte to be auyſed, er that I ſhewe the my full mynde, in this matter, and I praye the lette me now fele thy conceyt, yf a manne be accurſed, for that he wyl not obey a decre in a cauſe of matrimonie, and he is in priſone for it vpon the writte *De excommunicato capiendo*, and offereth a ſufficient caucion, to obeye the churche, ſhall it be accepted? SALEM. yea as welle in that caſe, as in any other caſe, and hit ſhall be valued after the ſubſtance of hym that is in priſon. And if he wyll yet when he is oute of priſon, diſobey the decree, and not marye, wherby he forfaiteth his caucion, than he may vpon a new information, made to the kynge in his chancerie, be taken agayne by a newe writte, *De excommunicato capiendo* fourmed ſpeciallye vpon the caſe, and be kepte in priſon tyl he obey the decree. And ſo he may be in

all

all cases, where he is delyuered vpon a caucion, and kepeth not his promise. BYZANCE. Well I am content in this matter, but I pray the, whether may the kynge in any case denye a writ of *Excommunicato capiendo*, whan it is vpon the certificat of the byshoppe requyredde? SALEM. yea and that maye be proued thus. It apperethe in the regestre, that if the kynge at the certificat of the byshop, haue awarded forth a writ *de Excommunic. ca.* & after the kyng before the partie is take, is enformed, that the partye appealed before the sentence, or that a prohibition was delyuered, and not withstandynge the iudge proceded, whervppon an attachement is hangynge before the kyng, or elles it appereth, that the plee perteyneth clerely to the kynges courte: in al these cases the kynge shall graunte forthe a Supersedeas, commandynge that the partie shal not be arrested, and therupon it foloweth, that if no writte be forthe, it may be denied, whan it is

axed,

aſked, and that if the partie be areſted, before the Superſedeas came, that the kynge maye for the ſame cauſes delyuer hym oute of priſon vpon a ſpeciall writte *de excommunicato deliberando*.

BISANCE. There is no writte *de excommunicato liberando*, in the regeſtre, but where the byſhop certifieth the kynge, that the partı hath ſatiſfied the church.

SA. All writtes that be grauntable by the law, can not be in the regeſtre, & the ſpecyall matters proue, that he ought to be deliuered out of priſon for ỹ time, and ſo a writte may be fourmed vppon the matter wel inough to delyuer hym: howe be it he ſhall remayne yet accurſed vnder ſuch maner, as he dyd before, & may be taken ageyne, if nede be, and that is in fauour of the ſpiritual iuriſdiction. For I trow therin is no tẽporel lawe more fauorable to the ſpiritual iuriſdictiõ thẽ the lawes of this realme be, & yet if ſuche fauour be haply broken ſomtyme, a defaute is founde therat by the clergie, as thoughe the holle lyber-

liberte of the clergie were broken therby, where no lybertie is broken at all, & euen vpon suche a poynte was the sayd cõstitution *Seculi principes*, made. For the constitution in the begynning reciteth, that whenne suche excommunicate persons be vpon the sygnification of prelates accordynge to the custome of Englande, taken and put in prisone, that then the prelates, bycause they refuse to take a gage, wherby the partye offreth to stande to the cõmaundmentis of the churche, and to obey the lawe, be commaunded to delyuer the partie oute of prison, whiche as it is sayde, there the prelates maye not nor ought not to do, as thei say, before due satisfactiõ made, and thervppon the sayde constytution sayth farther, that soo lay men vsurpe the keyes of power and counnynge, to the confoundynge of the iugement of the church, where the truth is, the churche hath gyuen no iudgement, that the partye shalbe commytted to prisone, for it hath no power so to do, but onelye to ex-

excommunicate the party for the ſinne, and therbppon the kyng accordyng to his lawes hath delyuered the party out of prſon, that he imprſoned him ſelfe: bycauſe the byſſhoppe hath refuſed a reſonable caucion. And yet it folowth in the ſaid conſtitution: Wherfore we ordeyne, that the excommunicate perſones ſo taken in our prouince, and ſo goinge out of prſone agaynſte the lyberties and cuſtomes of the churche of Englande, ſhall be to theyr more confuſion ſhewed excommunicate with ringynge of belles, and lyghtyng of candelles. &c. And ſo that, that in the begynnynge of the ſayde conſtitution is called the cuſtome of Englande, as it is in dede, and is the very cõmon lawe of the realme, that a perſone excõmunicate ſhall be layde in prſone by the kyng vpon the certificat of the byſhop, is after called the libertie and cuſtome of the churche of Englande: wherby the conſtitution meneth, that he ẏ goth ſo out of prſone, for that the byſhoppe

refuseth his caucion: and they that let hym out also, breken the libertie of the clergie of Englande, and vsurpeth the keys of power and cunninge, where in dede neyther theyr libertie, ne keys be touched: but the custome of the realme (wherby they clayme their libertie) is obserued. And if they coud proue the custome of the realme, wherby they claim ỹ libertie broken, yet they ought not cõplain, as though their libertie were only brokẽ. For it is no more their libertie then it is the libertie of al the people of Englãde. For al the people of Englãde make the churche of Englãde, & it hurteth al the people, and not only the clergie, to haue any one laudable custome of the realme broken. And yet the meanynge of that constitution is that that going out of prison hurteth the clergie only. And suche singularite hath done moche hurte, and wyll do, as longe as it contynueth.

¶ And farthermore the cause why the said cõstitutiõ sayth, that prelatis may

not

not nor ought not deliuer the imprisoned by the kinges writte *De cautione admittenda*, the writte is, that thoughe as the kynge is informed, the partie hath offered to the bysshop a sufficient gage, that he shall obeye the commandement of the churche, after the fourme of the lawe, and that the bisshoppe refuseth to take hit. &c. The kynge by that terme Lawe, meneth the lawe of his realme: whiche is, that the partie excommenged, shall make amendis to the churche for the synne onely, and no satisfaction to the partie. For that perteyneth to the kynges lawe. And the lawe of the churche is, that satisfaction shal be made also to the partie. And for maynteynaunce of that satisfaction to be had by auctorite of the spirituall lawe, the sayde Constitution was made to putte the partie in feare to goo out of prisone by the kynges writte.

And all this riseth vpon the variance of the lawes, wherby greatte grudges & expenses, yea and moche vnquietnes

haue enſued, and wyl do as longe as it and other thynges lyke ſhall be ſuffred to contynue as they do nowe. B Y. All ſuche expences and vnquyetneſſes be well prouyded for, by reaſon of the ſaid appele, that may be made into the kinges Chancerie. For it is not to thynke, but that the commiſſioners, that ſhalbe aſſigned by the kynge, wylle order the matier after iuſtice, and accordynge to the kynges lawes. S A L. I truſte they wyll, but yet it is not the eaſe of euerye pore mã, that may haply be wrongfully handeled in the ſpirituall courte, to ſue forthe a commiſſion vnder the kynges broode ſeale. And therfore if the olde forme of the kynges lawe be obſerued therin, that is to ſaye, that if the partie that is accurſed and impriſoned wylle offer a reſonable caucion to the byſhop, to obey the churche, accordynge to the kynges lawes, and he refuſe it, that then the kynge, accordynge to the olde cuſtome, ſhall let hym out of priſon, tyl he can fynde the meanes to bryng the

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byſhoppe to order hym, accordynge to the kynges law, & that all the proces of that conſtitution, wherby the partie for his ſo gounge out of priſon ſhuld to his more confuſion be ſhewed to be accurſed with ryngynge of belles, and lyghtynge of candelles, ſhuld for the cruelof it be auoyded: I ſuppoſe veryly it wolde do moche good. And yet I pray the my frende Byſance, lette me knowe thy mynde in one thynge concernynge this mater. BY. What is that? SAL. That if a man be accurſed, and he is contented to make amendes, & to haue his abſolution, but the byſhoppe wyll not take any amendes of hym: or if he take amendes, or put hym to penance, whiche he fulfylleth, yet he wyll not aſſoyle hym, ne he wylle not certifye the kynge, that he is accurſed, ſoo that he myghte by helpe of the kynges lawes be diſimpliſſed: but wylle ſuffre hym to ſtonde ſtyll ſo accurſed: what remedy hath the partie, as thou thynkeſt, to be diſcharged of that excommunication?

And lyke wyse if a man be accursed for a thynge mere temporall, and wolde be discharged of it, and the bysshoppe wil not discharge hym, what remedye hath the party to be assoyled? BYZANCE. In thy laste case the partye maye haue a Premunire. SAL. And thoughe he take it & recouer therby, yet he standeth styll accursed. And also the partye and iudge may be deed, and then the premunire is gone. BIS. Well, I thynke in bothe thy cases, that if the excõmengemente be certified in to any of the kynges courtes of recorde, that thẽ the king vpon the compleynte of the party may commaunde the byshop to assoyle him, if he wyl order him self according to the lawes of the realme, & if he wyll not, he shal ren in a contẽpt against the kinge. SAL. And if the byshop wil not certifie the excõmunicatiõ in to none of the kinges courtes, ne vnto the kyng neither: what remedy hath the partie then, must he stonde alway accursed, and be prohibite from heryng of dyuyne seruice, &

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fro all company of feythfull people du-
rynge his lyfe? BIZAN. It is not
to be thought that any bishop wyl deny
absolution, where he ought to make it:
& if he do, I pray the let me here thy con
ceyte, what remedy as thou thynkeste,
shulde lye in the case? SA. Whether any
bishop wil do so or not I cā not tel, but
surely there is a great opinion amonge
the people, that as the worlde hathe
gone in tyme paste, if suche an excom-
munication had touched the power of a
bishop, or the libertie of the churche, or
els that any greate man of the spiritu-
altie, had borne displesure to the party,
that he shuld haue right moch busines,
and also pay well for it, ere he shoulde
haue his absolution. But howe so
euer it hath ben in tyme past, I beseche
oure lorde that the matter maye be soo
well loked to, that hit be not soo here-
after, ne that vnresonable penaunce,
ne vnreasonable money, for redeming
of hit, nor for the costes of the suite, be
not gyuen nor taken hereafter.

And as for a remedy for the partie to be assoyled, I thinke verily, that the king vpon the surmyse of the partye, maye aswell cõmande the ordinarie to make absolution, so the partie order hym accordinge to the lawes, where the excõmengement is not certified of recorde, as where it is. For me thynkethe, that the reason is all one in both cases. For aswel shall he be prohibited fro diuyne seruice and communion in the one case as in the other. And if he haue any action to sewe and take it, the ordinarye myght els disable hym when he wolde. And lykewyse if the byshoppe assoylle hym, and when he hath soo done, wyll not make hym his letters of absolutiõ: the kynge maye also cõmaunde hym to do hit, as me semeth. BIZ. There is no writte in the Regestre, that the king may write to the ordinarie to make absolucion, where the excõmunication is not certified of record into the kynges courte. SA. And if there be not, it forceth lytell. For if there be a lyke reason

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in an other caſe, as there is in that: the clerkes of the Chauncerie maye agree vpon a wryt. And yf the kynge myght not do, as I haue ſayd, it might happē, that many of his ſubiectes ſhulde fayle of Juſtice, and that the kynge coulde not helpe it. And therfore if the byſhop wyll not obey the kynges wrytte, an attachement ſhall go agaynſt hym to anſwere to the contempt: And then ſhall the mattier be determined after the order of the kynges lawes. And ſo it appereth (as me ſemeth) that euen after the olde lawe & cuſtome of the realme, the kinge is the high and ſupreme iuge in ſuche corrections, though the ſayde ſtatute of. xxv. H. viii. had neuer bene made: and that he may ſee his ſubiectis haue iuſtice in that behalfe, if they wyll calle for helpe vnto hym. But yf the partie in ſuche caſe, wyll ſubmytte hym ſelfe vnto the ordinary, then by the parties aſſent, the ordinarie may make the fynall concluſion: ſo he offende not the kynges lawes in his doinge.

## Of dyuers thynges concernynge saint Thomas of Canturbury. The .iii. Chapiter.

SAL. I knowe no man that sayth, but that saynt Thomas of Caunturbury is a blessed saynt in heuen: but parauenture there be some, that doute, what were the very articles, wherupon kyng Henry the second, and he varied. And happely some wyl say, that he dyd more ageinst the kynges prerogatiue, thã he ought to haue done, but though he dyd so in dede, yet that moueth me but lytel to thinke, but that he was and is a holy man, and a blessed saynt. For if he thought in his conscience, ỹ rightwisenes and truthe bounde hym to do that he dyd, as I suppose verily it dyd, it suffised to hym. For ignorance may excuse, but onely agaynste the lawe of god, & the lawe of reson. And the thinges that the kyng and he varied vpon: were vpon the customes of the realme, and

and the kynges prerogatyue: whiche ſainct Thomas thought, was agenſte the libertie of the churche, wherin ſaint Thomas myght lightly be deceiued by ignorance: howe be it I thinke verily, that there is one thing, that derogateth and diminiſheth greatly the very true honour, ỹ wold be giuen by many men to ſaint Thomas, if that were not. BY. What is that? SA. It is that ſome priſtes exalt ſaint Thomas ſo high aboue other ſayntes, & procure honour to him more thẽ cõmonly is done to any of the apoſtels, and yet ſecretely ſtele the honour to them ſelfe, and thinke them ſelf the more worthy honour for his dedes: and that hath cauſed ſome laye menne to haue leſſe deuocion to hym thanne they wolde haue hadde. And thoughe they do not wel in that doyng: yet it is good to al priſtes to loke vpon the matter. And ſomwhat to eaſe the myndes of the peple therin. And now wyl I ſay ſomwhat cõcerning ỹ outward honour done to ſayncte Thomas before other

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sayntes, that I coulde neuer see cause reasonable, why all the commemorations in the prouynce of Caunturburye shulde be saide more in his name, then in the name of saynt Augustyne the apostell of Englande, whiche broughte the fayth fyrste in to this realme. For as farre as to manne appereth, sayncte Thomas had neuer knowen the christē fayth, ne had ben the holy doctryne of saynte Augustyne goinge before. And sythe he was archebyshoppe of Caunturbury as wel as saint Thomas was, & the fyrst and chiefe of al other archbishops there: I can not se why the commemorations shuld not be attribute to hym rather thenne to the other. And I thinke verily, that if it were so ordered to be, that a right greatte occasyon of mekenes in many spiritual men shulde folowe therupon: and it is no doubte, but that sayncte Thomas wolde be also eyght highly plesed therwith. And furthermore I can not se any conueniency why saynte Thomas shoulde haue his

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feaſt of his translation kept in ſo high ſolempnitie as it is accuſtomed to be: before other ſaynctis. And parauenture that poynte with ſuche other lyke, Johñ Gerſon mente to treate of in his treatiſe that he calleth in latine *Declaratio defectuum uirorum eccleſiaſticorum*, where he aduertſeth rulers to loke, whether it be conuenient, that ſome new ſaintis ſhuld haue more ſolemnitie in the chur che of god, then the auncient ſaynctes haue. And yet if the ſolemnitie to ſome of the apoſtols and to ſaynct Thomas be compared to gether, they be ryghte farre a ſonder. And therfore why his Tranſlation ſhulde be kepte holy day, and not the veray day of the depoſition of ſaynt Auguſtine, or of ſaynt Ethelbert, that was the fyrſte kinge of Englande, that was conuerted: or why the depoſition of ſaint Edwarde kyng and confeſſour, whiche fallethe in the. xii. days, as the depoſition of ſainct Thomas dothe, ſhoulde not be had in more honour then it is, and ſainct Thomas

to

to haue so moche, I can nat telle what the very consideration shulde be of it. And verily I suppose, ẏ if the depositiō of saynte Ethelbert, and of saynt Edwarde, and the translation of saynte Thomas were on the depositiō of saint Augustyne kepte holy daye to gether, and the holy daye of the transtation of saynt Thomas to ceasse, and that priestes onely shoulde saye the seruyce of saynt Thomas on the day of his translation, & the people not to be bound to here it, that it wold right highly plese saint Thomas, and cause many ꝑsons also to haue hym more in honour then they haue nowe. And here (as me semeth) it is somewhat to be meruayled also, that al we englyshemen, as to the multitude of vs, canne report more of saint Denis of France, of saint Dauid of wales, saint Patrike of Irelande, & of saint Ninian cōmonly called sainte Tronion of Scotland, than we can of saint Augustine the apostle of Englād; ẏ first brought the faith in to Englāde,
and

& yet though as me semeth it were cōue niēt, ẏ saint August. were more honorid then he is, neuertheles I mene not ther fore, that seint Thomas shuld haue ani les true honor then he hath, but rather more. Ferthermore bicause there be diuers articles put in bokes, which, as it is said, saint Tho. shuld holde, I haue intitled herafter some of thē, as I haue found thē writen in a right anciēt boke, & shal shew my conceit, how the lawe of this realme, & they agre together. But I wyl not expresly affirme, ẏ saint Tho. held thē in dede. For I neuer saw them as of a full auctoritie, nor I wote not where to find the ful auctorite of them: howbeit if his articles were pleinli & bi sufficiēt auctorite knowen, so ẏ it shuld not be laufull for no mā to adde no nother to thē, ne to diminish any thing fro thē, it were wel done. For as they stond now in an vncertaintie, many persons take vpon thē to reporte many articles of hym, ẏ as I suppose, he neuer helde: & one of his articles, as I haue foūd it

written

wꝛitten in the ſayd boke is this. If con
trouerſie be vpon the pꝛeſentment of a
benefice betwene lay mẽ and clerkes, ꝯ
kynge pꝛetended that it ought to be de-
termyned in his courte: And it is ſaid,
that ſaincte Thomas ſhulde fynde de-
fault at this article, as a thyng ageinſt
the libertie of the church. And ſurely it
is not ageynſt the liberte of the church
but is an olde laudable cuſtome of the
realme, the kyñges pꝛerogatyue, and
the right of his coꝛowne. And if ſainct
Thomas reſiſted it, he reſiſted ꝯ truth.
Howe be it that pꝛouethe not, but that
he is yet neuer the les a right holy and
bleſſed ſainct, as I haue ſaid befoꝛe.

¶An other article is, that churches of
the kinges gyfte may neuer be laufully
gyuen without his aſſent. And this is
alſo an olde pꝛerogatiue to the kynge
& his pꝛogenitours, and is as moch to
ſaye, as that in benefices, that be of the
kynges gyft, no time ne laches renneth
to the kinge, but that the kinge ſhal as
well pꝛeſent after the. vi. monethes as

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bekȝe. And yf ſaunct Thomas reſiſted that, he reſyſted the righte. Foȝ it is a laufull cuſtome, and a lauful pȝeroga-tiue. Foȝ why the kynge ne none other patron within this realme claime none other right in ſuche pȝeſentmentes, but after euery auoydance to pȝeſent theyȝ clerke to the oȝdynarie. And yf he be able, than the oȝdinarie to receiue him: oȝ els vppon a notice in ſome caſe, and in ſome caſe without notice, the patron at his peryll to pȝeſent an other. And if the kynge pȝeſent not, the oȝdinarie, tyl he pȝeſent, may with the pȝofites ther-of, appoynt one to ſerue the cure. But yf the kynge claymed alſo to haue the pȝofytes of the benefice in the meane tyme, and he to ſe the cure ſerued hym ſelfe, tyll he pȝeſented, that were moȝe doubte.

¶ An nother article is this, that they that be accurſed ſhall not fynd pledges to reſtoȝe, noȝ be ſwoȝne to it: but only to fynde pleges to ſtande to the iudge-ment of the church foȝ their abſolution.

And this article is also holden for lawe in this realme to this daye. For in case that the iuge spirituall wyl not assoyle the parti without restitution, where by the lawes of the realme he ought to do it: the kynge may vppon a contempte commaunde hym to doo it. And if he wyll nedely procede to compell restitution, a prohibition lyth. And that is the very cause why an excõmengement certified before the kynges iustice by the pope, was neuer alowed in this realm, bycause the kynge myght not write to Rome to make the absolution, in case ẏ by his lawes the ptie ought to haue it.

¶ Also an nother article is, that the churche shall not defende goodes that be forfayte.

¶ Also that plees of det belonge to the kingis court, though an othe be made.

¶ Also that the sonne of a bonde man shal not be made prest without licẽce of the lorde. These three laste articles be holdẽ for law in this realm to this day. And yet it is saide, that saint Thomas resy-

reſiſted theym.

¶And as to the thyrde artycle of the ſaid thre laſte articles, the lawe is this, as I take it, that if the ſonne of a bond man be made preſt without the lordes licence, that yet he is a bondman as he was before, and the lorde may compell him to do him ſeruice, as to a preſt belongeth, before any other. And though the truth were that ſaint Thomas reſiſted theſe articles al that he coulde, and that he is yet neuertheles canoniſed as a ſaint, that proueth nothyng thoſe articles to be vnlaufull. For yf he in his conſciẽce thought them vnlaufull, that ſuffiſeth to hym, as I haue ſaid before.

¶And more ouer if all the clergie of chriſtendome wolde prohibite the ſaide articles, or any article of the law of this realme, ẏ is not againſt the law of god nor the law of reſon: ẏ prohibitiõ ſhuld not be of effect in this realme. And ther be dyuers other artycles in bokes & legendis, wherin he reſiſted ẏ lawe of the realme without cauſe, if it be as ẏ ſaide

bokes doo testifie, whiche I remytte to the iudgement of theym that wyll take the peyne to rede them. And ouer that in the bokes of some pardoners, that haue gone about for saynt Thomas, be conteyned many and dyuers friuolous and vntrue thynges for procurynge of money: as it is of this article, that ne had saynt Thomas ben, no man shuld haue sette his chylde to scole, nor haue eaten in his house, pygge, gose, nor capon, but he shulde haue payed a fyne to the kynge. And dyuers other thynges be thus imagyned, wherby the people be greattely illuded and decеyued, and saynt Thomas right highly displesed. For he loueth no vntruth, and yet they haue bene suffered to passe ouer frome yere to yere without correction: doste thou not thynke my frende Bysaunce, that suche thynges wolde be reformed?

BYZAN. Forsoth I thinke it right expedient, that rulers and gouernours loke well vpon suche matters. But yet somme men wyll parauenture thynke,

that

that it is not conuenient, for lay men to speake of suche highe thynges, as pertayne to great clerkes and hygh lerned men. And I haue harde some men say my selfe, that before laye men spake of suche high matters, the worlde was in good peace and quietnes, and that sith they medled therwith, the worlde was neuer well, but ful of trouble, diuision, and stryfe. And therfore it wyll perauenture be better for the and me, to let these matters passe, tyll our lorde shall put the rulers in mynde to loke vpon them, and se theim reformed, then to speke any more of them, and lyttyll effecte or none to folowe of our spekyng.
SAL. The more that the rulers here of the gruges that be amonge the people, the more wyll they regarde theym, and wyll the rather sette to theyr assistaunce to helpe to auoyde them, sythe they be as well to the high displeasure of almighty god, as to the great hurte of the common welth of all the people. And I thynke verilye, that a common

welth shal neuer ryse, as longe as these gruges continue. And therfore I trust our spekyng shal not be clerely in vain, sithe some causis of the said grudges & diuisions may happly be put in mynde therby, whiche elles shoulde not haue ben remembrid. And ther be many presidentes, by the which it appereth, that laye menne haue reasonned in ryghte hight matters. Fyrste when the statute of. xxv. of Edward the third, that is called *De aduocationibus*, was made, was it not (as thou supposest) argued & reasoned, whether the parliament might set remedy in suche cases, where the pope made collatiõs or reseruatiõs to any benefices within this realm? And who reasoned that matter, as thou thinkest, but the lordes temporal & the cõmons? verily none. For the lordes spirituall durst not therin resist the pope. And no more they durst when the questiõ was asked in the parlyament, Anno. xvi. Rich. ii. whether the pope myghte translate a byshop in this realme without the kynges

ges aſſent, wherunto the biſhops made a proteſtation, that it was not theyr intente to ſaye, but that the pope myghte make ſuche tranſlacions by the lawes of the churche: but they ſayde it was agaynſt the kyng and his crowne, if he dyd it. And the comons ſayd, that they wolde ſticke with the kinges right in it vnto the deth. And the lordes temporal ſaide, that they wolde be with him with al their power. And it is not to thynke, that theſe aunſweres were made ſodenly without great reaſonyng before. And who ſhoulde reaſone hit, but the lordes temporalle and the commons, and ſpecially they that were lerned in the lawes of the realme.

¶ Alſo ſithe it is recyted in the writ *De excommunicato deliberando*, that the king at the peticion of the biſhop cõmãded the ſhyreff to iuſtifie ſuche a certein perſon by his body, as a mã excõmunicate & cõtẽpning the keis of the church, til he ſatisfied the church. &c. with diuers other thynges cõmonly vſed to be put into ỹ

sayde wrytte, whiche be here omytted: are not they then that be lerned in the lawes of the realme, specially they that shall be of the kynges counsell, bounde to aduertise the king, what is a contemnynge of the keyes of the churche, and what not: so that he shulde not in such case do any thynge agaynst the keys of the churche? I trowe no man wyl say, but they be. For els the kynge shulde happely be enforced to gyue credence to spiritual men in maters concernyng their iurisdiction ageynst his owne. It is not therfore conuenient for any man to say, that lay men ought not to reson the power of the churche. For if it dimynishe the right of the crowne, waste the substaunce of the realme, prohibite the laboure or lyuynge of the people, they may well speake of it. And also ar bounde to speake of it, specially they ꝑ be lerned in the lawes of the realme.

¶ And where thou sayste, that before that laye men spake of suche matters, the worlde was in good pease and quietnes:

etnes: ſurelye if the people grudged, and durſte not ſpeake, ne wyſte not to whome to ſpeake or complayne: then was that peace that thou ſpeakeſte of, lyke to the peace that the prophet Iſaie remembreth in his .xxi. chapter, where he ſayeth, *In pace amaritudo mea amariſſima*, That is to saye, In peace is my moſte bitternes. For when the people wolde haue ſpoken, and durſte not, that was greate grefe to them. And then if they be at lengthe enforced to ſpeake, and trouble and ſtrife riſe by their ſpeking: it is not longe of their ſpeakynge, but of them that gyue them occaſion ſo to murmour and grudge, and that wylle meyntein forth the old abuſions, & not ſuffre them to be reformed. BI. Thou haſte recyted many thinges in theſe addicions, that thou thynkeſte wolde be refourmed, and in ſome poyntes thou haſt deuiſed howe they may be refourmed, but thou haſte not done ſo in all: I pray the therfore let me here thy conceyte by what meanes (as the thinketh)

ſuche thinges as thou haſt not yet touched the reformation of, might be reformed. SA. To trete fully of the remedies of ſuch abuſions, perteyneth moſt ſpecially vnto the rulers: howe be it one thyng encorageth me very moche to do that in me is to ſay ſomwhat in the matter. BI. What is that that encorageth the to it? SAL. That ſhal I ſhewe the fyrſte with good wyll, and after I ſhal touche ſhortely ſomme of the remedies, and ſhall commyt the reſidue to them, that it moſte ſpecially perteyneth to, to loke vpon it.

## Of certayne thinges, that ſhoulde ſeme to be occaſions to bryng good peace and quietnes betwixt the clergie and the people. The.iiii. Chapitre.

SALEM. Fyrſte the thyng, that encouragethe me to ſpeake of a reformacyon betwyxt the clergie and the laye

laye people, is for that as me ſemethe, if the matter be well and throughly loked vpon, there is not ſo great variãce, ne diuerſities of opinions betwixt thẽ, ne betwixte the clerkes and great lerned men, that ſeme to take parte erneſtly in the matter on bothe partes, as is reported to be, ſpecially in the matters that be moſte of ſubſtaunce: and that may appere thus. The clergie preache and teache, that our lorde Jeſu Chriſt, very god and man, is the very ſauiour of the worlde, redemyng vs by his paſſion. And the other do euen lyke wiſe, and take hym as the verye Medyatour betwixt god and man, and none but hym.

¶ The clergie alſo teche, and preche, that al men be boũd to beleue ſcripture, that is to ſay, the olde teſtament & the newe, and to folowe it as a thyng moſt neceſſary to our ſaluation. And ẏ other be euen of the ſame opiniõ: & the diuerſite that is betwixt them therin ſtãdeth ſpecially in this poynte: The clergie

pretende,

pretende, that they onely ought to declare scripture to the laye menne, and that they oughte to folowe theyr teachynge and declaration therin, and not to expounde it them selfe, ne to haue it in theyr mother tongue: And manye laye men, and also some great clerkes holde the contrarie, and saye, that it is laufull, and also necessarie for lay men to haue scripture in the mother tonge, to the intente, that whenne they haue none to preche it to them, that they that can rede the mother tong, as many can whiche vnderstande no latin, may rede it to their own consolation and instructiō, and to the instruction of other also. ¶ They varie also sommetyme of the vnderstandynge of scripure, and howe it shall be taken: but that is moste specially in such poyntes, as concerne the worldely honour, power, or rychesse of the clergye, as hit is of this questyon: whether it be laufull to the successours of the apostels and disciples of Christ, to haue possessiōs: but in thinges mere

spirituall

ſpirituall concernynge ſcripture, commonly they do not varie.

¶ And lykewyſe there is no ſuche dyuerſite of opinions, as ſome men haue taken hit to be, betwyxte Feythe and good warkes. For bothe parties agree, that good warkes be neceſſarye vnto ſaluation: and the thynge that ſemeth to be as a variance betwixt them therin is onely vpon termes, and not in ſubſtance, as thus: The one parte ſayth, that feyth without good warkes is but a deed feyth, and profiteth not to ſaluation. And after as they meane, they ſaye trouth. For they meane of a naked feyth of a man, that hath neyther charite nor good warkes: but that he hath feythe, and lyeth in deedly ſynne, and dyeth without repentance. In whiche caſe the feythe ſuffiſeth not to hym, as they affirme it doth not: but they deny not, but that if ſuche a man in the later ende come to repentance, though it be euyn atte the laſte poynte, but that he ſhal be ſaued, and that that repentance

ſhalbe

ſhalbe acceptable for hym afore god in place of the good warkes that he had not, and that his rewarde ſhalbe after the mocheneſſe or littelneſſe of his contrition and ſorowe. And the other parte ſaythe, that feythe onely iuſtifieth before god: and they alſo, after as they meane, ſaye trewely. For they calle hit no feyth, onleſſe it haue good warkes. And therfore they ſtyrre the people to good warkes all that they canne, that they maye haue a lyuely feythe: for they ſaye, that yf a man beleue all the articles of the feythe, and all that he is commaunded to beleue beſide, and lyueth in deedly ſynne, that he hath no feythe. And ſoo it appereth, that theſe mennè varye not in effecte in this mattier, but in termes: howe be it a littell variance there is betwixt them therin, vnder this maner: They that ſay, that feith iuſtifieth before god, wene ẏ many people haue ſuch a truſte in theyr good warkes, that they hope to be ſauid only by theym. And ſurely if any be of that

opinion,

opinion, they be far deceyed. For none ſhalbe ſaued but through ỹ grace, mercy, and goodneſſe of oure lorde. And therfore to gyue the people occaſion, that they ſhal truſte in grace more then in theyr good warkes, they extolle feith and grace aboue good warkes. And the other partie ſaythe, that there is none that truſteth onely in his good warkes. And therfore they ſaye, that it nedeth not to extolle faythe ſo moche as they do. But nowe admytte it be as they ſaye: yet me ſemethe, that yf any manne doubte, whether they doo ſoo or not, and therfore he inſtructethe theym, that they oughte not to do ſoo, that hit is a good dede, and oughte charytablye to be accepted of all menne, and that they oughte not to be reproued for it.

¶Then ferther more manye haue reported, that there be ſomme menne of opinion, that all thynges ought to be in common, ſo that if oone lacked, he myght take it of his neighbour.

And

And of all other opinions, that opinion gothe moste nigheſt to the diſtruction of the common welthe. For it is a mayntayner of ſlouthe and idelnes, and a deſtroyer of all good labour.

And there be many other that ſey, that there be none of that opinion: but they ſey, that they haue harde many of this opinion, that in tyme of neceſſite of our neighbour, all thynges that we haue, oughte to be in common to hym, and we be then bounde in charite to miniſter of our goodes vnto hym, after as his neceſſitie requyreth: but that any might take it them ſelfe, they ſay, they haue harde none of that opinion. And ſurely I thynke it is true as they ſay. And ſaint Auguſtin to that effect ſaith thus: He that ſeeth his brother in neceſſite, and ſhytteth his helpe and comforte from hym: howe abydeth the charite of god in hym? And I beſeche our lorde ſende vs many of that opinion, that is to ſay, that we ought to communicate of our goodes to our neighbours,

bours, that be in neceſſitie: and not to ſende vs ſo moche as one of the other opinion, that is to ſay, that they might take it them ſelfe. And that if there be none of that opinion, that then there be none, that wyll repoꝛt there is. BY. I perceyue wel, that thou thinkeſt, that there be not ſo great diuerſities of opinions amonge the people, as are noted to be, if the very trewe intent of theyꝛ myndes were throughly knowen: how be it ſomme cauſes of grudges thou agreeſt that there are yet remaynynge. And therfoꝛe though the remedies ther of perteyne moſt ſpecially to the rulers to trete vpon: yet as it ſemeth, it can do no hurt, if thou ſhewe thy mynde ſomwhat therin. SAL. Somewhat in a generalitie I wyll ſay with good wyll. And fyrſt I thynke that it is right expedient, that the lawes and iurisdictions ſpiritual and tempoꝛal be throughly agreed to gether: foꝛ vpon the varienge of them this inconuenience foloweth: that whan ſome occaſion of va-

riance happeneth to ryse betwixte two men, and they aske counsayle, one at the spirituall lawe, and the other at the temporal lawe, that bothe be informed that they haue right, and that causeth theym to stycke so sore to theyr titles, that they be farre fro any meane way, where if eyther of theym were instructed, that the lawe were ageynste hym, as moste commonly the one of theym shoulde be, if they bothe asked counsayle at one lawe: that wold cause him that thought the lawe agaynst hym, to eschewe expences, and falle to agreement.

¶ Also it is ryght expediente, that all constitutions prouincialle and legantines, as haue ben made in tyme paste, ageynste the lawes of the realme, and the kynges prerogatiue, where the lawes of the realme oughte of righte to be folowed: and also all suche lawes as be ouer greuous to the people by extendynge ouer great multitude of excommunications vpon theym: or that

haue

haue bene made moze of ſingularitie, and in mayntenaunce of the ſpirituall iurisdiction then of charitie, ſhall be clerely reuoked and put away.

¶Alſo it ſemeth expedient, that none hereafter haue but onely one benefice with cure, by lycence noz otherwyſe, and he to be reſident vppon it, excepte ſuche as haue moo nowe at this tyme, and they to inioye theym, withoute takyng any mo by permutation oz other wiſe. And if any take mo benefices thē one, bothe to be voyde.

¶Alſo it ſemeth to ſtande with charitie, that lyke as there is appoynted certayne collettis and oziſons foz infidels in lent, that there be a ſpeciall collette foz them all tymes of the yere bothe at mattens, maſſe, euynſonge, complin, Placebo and dirige: and lykewyſe foz the peace and tranquillitie of all chriſten realmes, ſpeciallye nowe in this daungerouſe tyme.

¶Alſo that all parkes and paſtures, that be in the handes of ſpiritual men,

and be mete for tyllage, be by a certain tyme buylded and tourned into tyllage vpon a peyne. ꝛc. And for as moche as moche tymbre wyll be ſpent aboute it, and tymbre is greatly waſted in many places, that it be diuiſed, howe tymbre and wodde maye be increaſed and preſerued hereafter. And me thinketh ſeynge the kynges grace and his counſayle haue diuiſed ſo good a waye for nouryſhynge of wodde in Irelande, as they haue done, that it were very well, that if they did likewiſe for this realm. ¶ Alſo it ſemeth to be right expedient, that certayne articles, whereof parte ſhall be recited hereafter, be gathered to gether, and that preachers be commaunded, that in euerye ſermon, they ſhall moue the people to fulfylle them, as nygh as god ſhall gyue them grace: and ſuche other alſo as the parlyament ſhall thynke conuenient. And not to recyte euery article in euerye ſermon, for it wolde ſomtyme be tedious, but part of theym, as they ſhall thynke mooſte

profytable for the audience. And one of the ſaid articles, as it ſemeth, may be this, that the preacher diligentlye inſtructe the people, what warkes beſte pleaſe god: and alſo to inſtructe them, in what order they ought to be done. And for a remembrance I ſhall brefely touche ſomewhat of that mattier, and commytte the ferther declaration therof to the preachers.

¶ The worke that moſte pleaſeth our lorde, as I take for the laie people, is the releuynge and comfortynge of our neighboure, that hathe nede: and the greatter that his nede is, the greatter ſhall be our rewarde. And as prayer & contemplation be the higheſt warkynges in the lyfe contemplatife: ſo is this dede of mercy to our neighbour, done in charite, the higheſt warke in the lyfe actiue. And therfore no man can come vnto it, but by great labour and diligence. For it is alway harde to atteyne to vertue, and the higher the vertue is, the more difficultie is in the atteynyng

of hit: and the kyngedome of heuen muste be gotte with a violence. It is ealye to buylde churches and monasteries, to gyue bokes and chalices to the seruice of god, if a mã haue wherwith: for laude and prayse, and a worldly contentation foloweth commonly vpon it: but in doinge dedes of charitie to our neighbour, there be so manye difficulties, that it maye anone discourage a man to contynewe in hit, but he doo it purely for god. Howe be hit I meane not that of gyuyng of almes to poore men that aske it by waye of almesse in the stretes: but I meane hit of charytable dedes to be done to theym, that fyght with pouertye, and be ashamed to aske it: neuer the lesse the difficultyes therof I wylle not expresse at this tyme.

Also it is a ryght great grace, that suche a desyre is come amonge the people, to haue pore men releued. But surely if it comme to this poynte hereafter, that spirituall menne wyll procure for

their

theyr owne aduauntage, and lyttelle for poore menne: that deſyre for poore menne wylle ſoone ſlake and vanyſſhe aweye hereafter, as hit hath doone in tyme paſte.

¶And as to the goynge on pylgremage, me thynketh it may be accompted and ſet in the loweſt degre of good warkes: in ſo moche, that as I ſuppoſe, if a man in doinge ſuche pylgremage ſpend large money for his coſtes and offerynge, that if he wolde diſpoſe moche leſſe thenne that, at hoome amonge his poore neighbours: that he ſhoulde more highely pleaſe our lorde therby, or our ladye, or other ſayncte that he gothe to, and ſoner opteyne his iuſte petitions therby, than by all his great expences in his pylgremage and his labour bothe. And though he gyue almes to ſome poore men by the weye: yet is he more bounden to his poore neyghboures at whome, and moore thanke ſhall he haue of god, yf he loke charitably vnto them.

Also it is right expedient, that preachers ofte instruct their audience, that the prayer of a good laye manne more pleseth god, then the prayer of an yuel prieste, or of an yuel religious manne. And to instructe them also, that vocall prayer is not the only thyng that prayeth, though it be singularly good in it selfe: for the true and iust labour of the peple is also a right good prayer. How be it if they somtyme vse vocal prayer, when they maye come to it, they do the better. And therfore I thinke verilye, that if a good lay man pray, that suche an other man, or suche that percase be his benefactours, may be part takers of all his iuste and true labour, that it shall profite the other man more, then the vocalle prayer of many other that be not good.

Also it is expediēt, that they induce the people, al that they can, to do their good dedes here, ere they departe out of this worlde. And diligentlye to instructe theym, that if they can be content

tente for the loue of god and of their neyghbour, to departe frely with a lytel portion of their goodes here in this lyfe, that they myght kepe ſtyll if they wolde: they ſhall haue more rewarde of god for it, then they ſhall haue for a right great ſubſtance of goodes giuen for theym after their deth, when they canne not occuppye theym, though they wolde.

¶Alſo that they ſtyre the people, to leaue the curioſitie of burialles, that hath ben vſed in many places in tyme paſte: for they be rather comforres to the frendes that be on lyue, then any profite to the ſoules of theym that be departed. And yf the charge of ſuche pompe were tourned into dooles, to be ſent to poore men home to theyr howſes, I thynke it wolde pleaſe our lorde verye moche.

## Whether it be laufulle to warre ageynſt Turkes and ſaralyns. The fyfth Chapitre.

BYZAN. Syth thou haſte now at my deſyre ſpoken of thynges concernyng abuſions, that as the thynkethe, wold be reformed, I pray the ſpeke ſom what nowe of the ſecte of Macumite. For euer ſithe the makyng of our firſt dialoge, I coud neuer forget, how gret a multitude of ſoules dayly perylſhe therby. SA. And I wold gladly ſpeake therof, if I thought ẏ we coude do any good in that behalfe. But ſurely tylle a peace be had amõge chriſten men, it boteth not to ſpeke any more of ẏ matter. And ouer that I haue percepued, that ſome mẽ be of the opinion, that it is not laufull for chriſten men to warre vpon the turkes, and to go about by compulſion to bring them to the faith. For they ſay, as the truth is, that faith is fre and can not be compelled: and therfore they

ſaye,

ſay, that Macumete him ſelfe, is diſcō-
mended by many writers, bycauſe that
in the beginning of his ſect he vſed vi-
olence: And ſo I am ſomwhat in dout
in that matter in my conceit, and wote
not whether it be good to ſpeke any fer
ther in the mattier or not. BIS. As to
the fyrſt poynt that thou doubteſt in, al
truſte is to be put in god, and he ſhall
well helpe vs to the pece that we deſire.
And as to ẏ other poynt that thou haſt
moued, I lytel regard it. For I am wel
aſſured, that if they them ſelf that be of
that opinion, conſidered al the mattier
as it is, that they wolde ſhortly change
their myndes therin. For ſith the turkes
haue many countreis, that chriſten mē
haue good right to: it is no doute, but
that it is laufull for chriſten princis to
warre vpon them, & driue them out, as
they myght do chriſten men, that were
vſurpers. And alſo if infidelles inuade
chriſten realmes, and by power wolde
take them into their hādes, it is laufull
for chriſten princis in the title of them ẏ
ſo

so were lykely to be wrongfully put out of their countrey to resiste them, and to kepe the Christians in their right. And all the infidels that be so inuaded, to take them as their ennemies, and to punyshe theym as ennemies, in suche maner as they shall thinke expedient, by dethe or otherwise. But then in these cases, if the christians preuayled, and than the infidels wolde be conuerted, and the christen men for fauour of the faith wold gyue them their lyues, were it nat good charite to do it? And if they wyl not be cõuerted: and then the christen men put them to deth, for that they be enemies, is it not olso laufull? And yet hit can not be saide there, that they be put to dethe, bycause they wyll not beleue, but bycause they be ennemies, as I haue said before. And in this case standeth the countreyes of Constantynoble, and of Jerusalem. For they were longe in the handes of christen men, er that they came into the handes eyther of the turkes, or of the Sarasins. And

as for

as for Conſtantynoble it is but of late yeres, that the turkes with power and without title toke the emperour and all the empier into their handes, and with greatte crueltie ſawed the emperour a ſonder in the myddes with a ſawe of tree. And it is yet knowen amonge the chriſten men, that be there in captiuite, who is the very heire of blode vnto the the empire: why is it not then laufull to chriſten princis to reſtore hym ageyn to his inheritaunce, and to diſtroye all them that wyll reſyſt them? Neuer the les in ſome caſe a doubte myghte ryſe, whether chriſten men might inuade infidelles in a countrey, whiche they had wrongefully taken into their handes: as if infydels wrongefully inuade an other countrey, that were alſo infidels, and that was neuer chriſtened, and put the very owners out therof, whether it were laufull for chriſten princis to driue them out, and reſtore the fyrſte infidels into their right agayn or not. And this me thinketh, maye be right well ſaide therin,

therin: that yf the people that so hathe inuaded, be the moze cruell people then the firste were, wherby it is great peryl and danger vntochziſten realmes, that lye nygh adioynynge vnto theym, that they wyll hereafter inuade them alſo, if they be ſuffered: that then it is laufull foz chziſten pzincis to dziue them out, in eſchewyng of that dãgers, & to reſtoze the firſt infidels agayne to their right. And thẽ if thoſe firſt infidels foz ẏ fauer ẏ they haue found in chziſten men wyll be conuerted to the faith, I ſuppoſe no mã wil ſay, but that it is wel done to accept them. But if they wold not in that caſe be cõuerted of their fre wil, I wyll wel agre, ẏ they muſt be ſuffrid to cõtinue ſtil in their infidelitie, as they dyd befoze, tyl our lozd ſhal of his goodnes cal thẽ to grace. And thus me thinkith it is but a litel doubt, but ẏ it is laufull foz chziſtẽ pzincis to make war ageinſt all the infidels, that be inhabitãtis in ẏ cities of Conſtantinoble & Jeruſalem, and al the countreis ther about, that at

any

any tyme were in the handes of chry-
ſten men, before they were in the hādes
of the turkes, or of the Saraſins, and
to put theym to dethe that wylle reſyſte
them, as ennemies. And thus haue I
nowe ſhewed the my conceyte concer-
nynge that doute, whether it be laufull
for chriſten men to warre vpon infidels
or not. How be it if they coude without
battayle be conuerted by preachinge or
epiſtles without ſheding of blode, that
were ſurely the beſt way: But the tur-
kes be now ſo far roted in malyce, that
they haue made a lawe, that no man v-
pon peyne of deth ſhall preche ageinſte
their lawes. Wherfore it ſemeth, that
chriſtē men may not now with cōſciēce,
ſende any preacher vnto them. And yf
any precher of zele of martyrdom wold
of his free wyl deſyre to goo thyther:
yet it were to me a great dout, whether
hit were better for chryſten men to ſtop
hym, if they coulde, ſo that he myghte
do more good another way at hoome:
and not to ſuffre hym wylfully to renne
vnto

vnto his deth or not: Specially when there is no lykelyhode, that any good shall folowe vpon his goinge. For the preachynge to the turkes nowe in these dayes, is nothynge lyke to the preching to the gentyls in the begynnyng of the faithe. For then the gentyls wolde many tymes here it. And therupon many tourned to the faith: and though somtyme preachers were therfore putte to dethe, not withstandynge I agre well, that it was good charitie for other prechers to ieoparde to doo the same. For many tymes great increase of the faith folowed therby. But as to the Turkes nowe in these dayes, their malice is so greatte, that there is no likelihod that our preachers shuld be hard amonge them, as I haue sayde before.

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